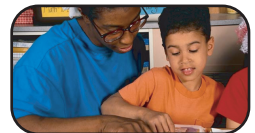
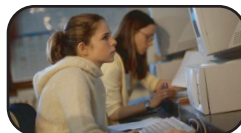


2004

Education Sourcebook

108th Congress, 2nd Session



Democratic Policy Committee
Byron L. Dorgan, Chairman



May 2004

Dear Colleague,

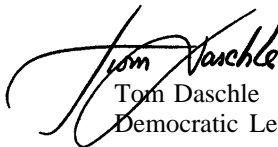
As you know, Democrats have a steadfast commitment to and long-standing history of support for lifelong learning. Democrats have worked diligently to strengthen important education programs such as Head Start, Title I assistance for disadvantaged students, special education, and Pell grants. Democrats have fought hard to fund adequately these and other initiatives designed to ensure that all Americans have access to the best possible education.

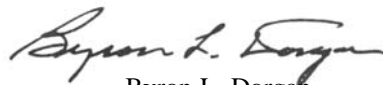
President Bush's Fiscal Year 2005 budget proposal provides the smallest increase for education since Fiscal Year 1996, at a time when schools are struggling to meet the mandates of the *No Child Left Behind Act* (NCLB) and he underfunds the levels promised by NCLB for Fiscal Year 2005 by \$9.4 billion. Regrettably, this means communities would have insufficient resources to implement the reforms envisioned in that landmark legislation. The President's Fiscal Year 2005 budget proposal would also freeze the Pell grant maximum award for the third straight year at \$4,050, enough to pay just 34 percent of the average annual cost of attending college — down from 42 percent in 2001. Democrats would make education a priority by providing increased resources so that every classroom is led by a high-quality teacher and every student has access to opportunities that inspire learning — investments that would benefit children and the nation for decades. As part of a responsible budget plan, which balances fiscal restraint with investment in critical priorities, Democrats are committed to investing in education.


Despite our successes over the past few years, the need to increase our investment in education has never been greater. Our schools face increasing challenges including state and local budget constraints, growing enrollment rates, and aging infrastructure. At the same time, education has become increasingly important to our future economic and national security. Republicans continue to demonstrate that their attacks on public schools are not over, with proposals for a new tuition tax credit and a "choice" demonstration grant program which could divert over \$4 billion dollars over the next six years to private school vouchers.

The accompanying Sourcebook includes descriptions of existing federal education programs and the Democratic education agenda, and it outlines the Democratic record on education including important votes in the past two Congresses. We hope that you find the Sourcebook helpful, and look forward to continuing to work with you in support of American education.

Sincerely,


Tom Daschle
Democratic Leader


Byron L. Dorgan
Chairman, DPC


Edward M. Kennedy
Ranking Member, Health,
Education, Labor and
Pensions Committee

A Democratic Sourcebook

Education

Contacts:

Bethany Dickerson
Democratic Policy Committee
(202) 224-3232

Minority Staff
Committee on Health, Education, Labor and Pensions
Senator Kennedy, Ranking Member
(202) 224-5501



Democratic Policy Committee
Byron L. Dorgan, Chairman
419 Hart Senate Office Building

DEMOCRATIC POLICY COMMITTEE
419 HART SENATE OFFICE BUILDING

This report was prepared by the DPC. Additional copies are available by request. For information on this or any other DPC document, please contact the DPC Graphics/ Publications Office at 4-1414.

CONTENTS

| | |
|--|----|
| Chapter 1: Education Funding in the United States | 7 |
| Federal Role in Education | 7 |
| Federal Role in Early Childhood Education | 8 |
| Federal Role in Elementary and Secondary Education | 9 |
| Federal Role in Higher Education | 10 |
| Chapter 2: Investing in Education is More Important Than Ever | 13 |
| Early Childhood Education | 13 |
| The Nation's Public Schools Face Significant Challenges | 13 |
| The Nation's Public Schools Need Help | 14 |
| Increased Investments in Education Pay Off for Students | 15 |
| Higher Education is Becoming Increasingly Important, Yet Harder to Afford | 15 |
| Low-income Students Face Growing Financial Barriers to Attending College | 16 |
| State Budget Crisis and Higher Education | 17 |
| Chapter 3: Significant Investment in Education is Critical to Ensuring the Nation's Civic and Economic Health | 19 |
| Chapter 4: The Public Strongly Supports Education | 23 |
| Chapter 5: The Bush Education Agenda for 2004: "Leave Millions of Children Behind" | 25 |
| Chapter 6: The Democrats' Education Agenda for the Second Session of the 108th Congress | 27 |
| Head Start (early childhood education) | 27 |
| "No Child Left Behind" Should Mean What it Says | 27 |
| Fully Funding the <i>Individuals with Disabilities Education Act</i> (IDEA) or special education | 27 |
| Supporting English Proficiency | 28 |
| Continuing the Commitment Through High School | 28 |
| Making Higher Education More Affordable | 28 |
| Historically Black Colleges and Universities (HBCUs) | 28 |
| Hispanic Serving Institutions of Higher Education (HSIs) | 28 |
| Tribal Colleges and Universities (TCUs) | 29 |
| Strengthening Perkins Vocational Education | 29 |
| Chapter 7: Head Start | 31 |
| Highlights of the Senate Head Start Reauthorization Debate, Including Key Program Improvements | 31 |

| | |
|---|------------|
| Myth Versus Reality on Head Start | 35 |
| Senate Democrats are Committed to Improving Head Start Assessments | 38 |
| Chapter 8: Issues in Elementary and Secondary Education | 43 |
| Block Grants for Federal Education Funding | 43 |
| Private School Vouchers | 44 |
| Charter Schools | 47 |
| Privatization in Education | 48 |
| <i>No Child Left Behind Act</i> (NCLB) Implementation | 49 |
| Chapter 9: Key Issues in Higher Education | 51 |
| Low-cost Lending for Students | 51 |
| Affordability | 51 |
| Access | 51 |
| Attainment | 52 |
| Teacher Preparation and Quality | 52 |
| Affirmative Action | 54 |
| Reauthorization of the <i>Higher Education Act of 1965</i> | 55 |
| Chapter 10: Special Education: <i>Individuals with Disabilities Education Act</i> (IDEA) . | 57 |
| Chapter 11: Civil Rights and Education | 75 |
| Chapter 12: <i>National and Community Service Act of 1990</i> | 81 |
| Chapter 13: Fact Sheets on Major Federal Education Programs | 83 |
| Head Start | 83 |
| Title I: Education for the Disadvantaged | 84 |
| Safe and Drug-Free Schools and Communities | 86 |
| 21st Century Community Learning Centers (After-school programs) | 87 |
| Education Technology | 89 |
| Language Instruction for Limited English Proficient and Immigrant Students | 92 |
| Pell Grants | 93 |
| Campus-Based Student Aid | 94 |
| The Federal Supplemental Educational Opportunity Grant (SEOG) Program | 95 |
| The Federal Work-Study Program | 96 |
| The Federal Perkins Loan Program | 97 |
| Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) .. | 98 |
| Federal TRIO Programs | 99 |
| Higher Education Tax Credits and Deductions | 100 |
| Minority-Serving Institutions | 102 |
| Native Americans and Education | 106 |
| <i>Workforce Investment Act of 2003</i> (WIA) | 108 |
| Chapter 14: The Historic Democratic Commitment to Education/Key Senate Education Votes in the 107th and 108th Congresses | 111 |
| Chapter 15: Key Education Websites | 117 |

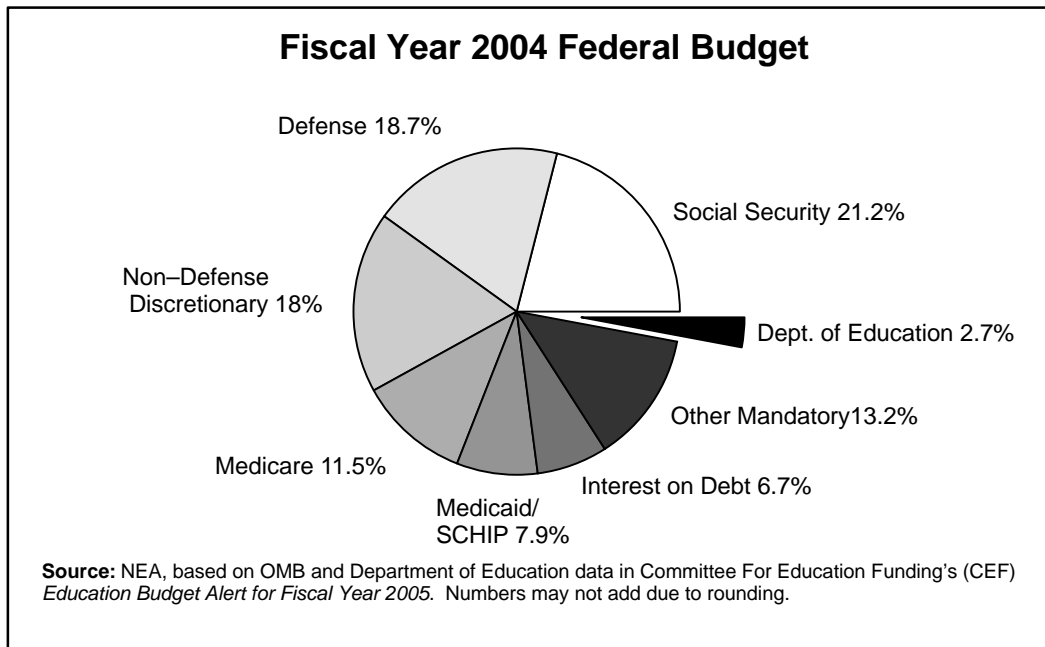
1

Education Funding in the United States

Federal Role in Education

In the early days of the Republic, our nation's founders placed the establishment of public schools among the highest priorities for our young nation. Thomas Jefferson – one of the earliest and most ardent advocates of public schools — stated that “it is . . . imperative that the nation see to it that a suitable education be provided for all its citizens.”

Too many of the nation's public schools have fallen short of this great goal in recent times. Ninety percent of American children attend public schools. Senate Democrats are committed to ensuring that every public school and every teacher is able to help all students in the nation reach their full potential.



Historically, the federal government's investments in education have centered largely on providing opportunities for students with special needs. As a result, students from a broad range of backgrounds have received an education, improving the quality of life for generations of American families. The federal role in education is narrow in scope to allow for maximum state and local initiative, but the federal government has unique responsibilities as well.



Our goals include:

- ✓ meeting the overarching needs that no average parent, community, or state can satisfy on their own, particularly the needs of the most disadvantaged families and communities;
- ✓ gathering data, and supporting research and development to chart national progress in education, encouraging innovation, and improving communication among all participants in education at all levels — federal, state, and local;
- ✓ extending educational opportunities and innovations to those who otherwise would be excluded; and
- ✓ providing targeted leadership, technical assistance, and financial support for areas where national needs have been identified, so that all Americans have access to the support they need to improve education in their schools.

The United States (U.S.) spends an estimated \$852 billion on education each year, of which 90 percent comes from state and local sources. The federal government provides approximately ten percent of education funding. This ten percent includes expenditures not only from the U.S. Department of Education (ED), but also from other federal agencies, such as the U.S. Department of Health and Human Services (HHS) Head Start program and the U.S. Department of Agriculture's School Lunch program. ED's budget is about 2.7 percent of the federal government's \$2.3 trillion budget.

Although the federal investment in education is small compared to other federal spending, federal support remains critical to closing the achievement gap between minority and non-minority students. In order for states and schools to implement effective school improvement plans that meet this goal, they need a significant increased federal investment in education.

Federal Role in Early Childhood Education

Since the 1960s, the federal government has played a critical and complex role in early childhood education. The principal federal programs that provide funding for early childhood education and care include: Head Start; Title I, Part A of the *Elementary and Secondary Education Act* (ESEA); the William F. Goodling Even Start Family Literacy Programs; the *Individuals with Disabilities Education Act* (IDEA); the Early Reading First program, the Child Care and Development Block Grant (CCDBG); the Social Services Block Grant (SSBG); and the Early Learning Fund. State investments in pre-primary education have grown dramatically in the last decade. According to the Children's Defense Fund, states spent \$700 million and served approximately 290,000 children in pre-K in 1991–1992; by 2001–2002, states spent more than \$2.4 billion and served approximately 700,000 children, according to the National Institute for Early Education Research.¹

As of 2001, the percentage of three to five year-olds in the United States enrolled in some kind of pre-primary (center-based or kindergarten) education increased from 59 percent to 64 percent. At the same time, data indicate that some children need more assistance to be ready to learn effectively when they enter kindergarten, and that many school-age children are having difficulty becoming proficient readers. Research on the effects of quality early childhood education and care programs indicates positive short-term effects in terms of cognitive functioning, school readiness, and social behavior; and also supports positive long-term effects for children from "model" early intervention. Long-term results from programs, such as Head Start, are less conclusive. Most researchers have found high-quality early childhood programs to have several factors in common: low teacher-child ratios, well-trained and well-paid teachers, and low staff turnover rates.²

Research indicates that the quality of early childhood education and care is significant for children's later academic success, particularly for disadvantaged youngsters. Yet, the U.S. system of preschool education and care varies enormously, not only in quality and content, but also in organization, sponsorship, source of funding, and the extent of government regulation.

An economic argument can be made for a federal role in providing aid for early childhood education and care due to externalities and information imperfections in the market for early childhood care and education. This intervention might take the form of provision of care, subsidies or tax credits for families, tuition credits for early childhood educators, licensing requirements, or simply the provision of information. Externalities exist because the benefits of quality early childhood education programs accrue not only to the families who purchase these services, but to society at large (through lower taxes for welfare and crime, through higher productivity of well-educated citizens, etc.). However, when the costs of these services are borne only by parents, the price paid for these services will be artificially low.³

In addition, because of imperfect information and geographic limitations, parents may not be able to locate the best providers of early childhood education and care, or know how best to evaluate the costs, quality, and services of different providers. However, even if federal aid is determined to be appropriate, there is no consensus on how much federal aid should be provided and what form of aid would be most effective. Many individuals also disagree on whether such aid should be targeted to disadvantaged youngsters or be universal. Others express concern that such aid may supplant current state programs. Congress is considering whether there should be an enhanced role for the federal government in funding and setting standards for early-childhood education and care; and how to effectively coordinate any new initiatives with existing federal and state programs.⁴

Federal Role in Elementary and Secondary Education

Because of the nation's vital interest in education — an interest as fundamental as the nation's interest in its security and economy — the federal government has played a rapidly growing role in providing the resources necessary to prevent so many of our nation's school children from being left behind. The federal government plays a second role in our nation's education effort that is less expensive but equally important — that role is as an innovator to help local school boards recognize emerging problems and opportunities in education, and find new ways of using existing tax revenues more effectively in the classroom. These efforts not only help to prevent children from being left behind, they help make our schools better for all children.

Based on data from the U.S. Census Bureau, state revenues make up 50 percent of school funding revenues, local sources make up 43 percent, and the federal government contributes the remaining seven percent. While the federal contribution to public school funding is relatively small, ED's elementary and secondary education programs serve just over 14,000 local educational agencies and over 46 million students attending approximately 88,000 schools.

Some states depend more heavily on federal funds for education than other states. Connecticut, Massachusetts, Minnesota, New Hampshire, New Jersey, and Wisconsin receive less than five percent of their school funding from the federal government, while Alaska, the District of Columbia, Louisiana, Mississippi, Montana, New Mexico, North Dakota, South Dakota, and West Virginia receive greater than ten percent of their school funds from the federal government.⁵

Some school districts are especially dependent on federal education aid. Federal funds account for more than 30 percent of high-poverty school district budgets. Over one million



federally connected children are enrolled in about 1,300 school districts that receive Impact Aid basic support payments. These payments are made by the federal government directly to school districts to compensate them for educating children of parents who are members of the Armed Forces and living on or off military bases; live on Indian lands; live in low-rent housing; or are civilians working or living on federal land. Impact Aid basic support payments to individual school districts range from a few hundred dollars to over \$40 million.⁶

Federal Role in Higher Education

Federal student aid plays a crucial role in enabling students to afford college. The federal government is the largest provider of direct financial aid to students enrolled in postsecondary education and training. In the 2002–2003 school year, over 65 percent of all grant, loan, and work aid awarded to postsecondary students came from federal programs. In that year, over \$60 billion of these funds were in the form of Pell grants (\$11.7 billion) or federal student loans (almost \$50 billion), according to The College Board report, *Trends in Student Aid 2003*.

Federally supported student aid funding (excluding expenditures for education tax credits) has grown by more than 160 percent over the last decade. This figure includes matching funds the federal government provides to universities and colleges that is awarded to their students.⁷

Federal financial aid policy is helping more students afford a college education through loans rather than grants. Therefore, it is more difficult for needy students to afford and attend college. The share of federally supported need-based aid has dropped from about 80 percent to about 60 percent of all federally supported student aid (excluding expenditures for education tax credits) over the last ten years.⁸ Policy decisions about how much aid to offer and how to deliver aid to students has meant that a much greater share of financial aid dollars is going to middle- and upper-income students.⁹

Unsubsidized student loans, tax credits, and other tax incentives have replaced grants as the primary vehicle for delivering federal financial aid. None of these vehicles are efficient at helping low-income students afford college. Loans are not an appealing option to low-income students who are likely to be financially risk-averse. Students cannot take advantage of non-refundable tax credits or deductions if they do not have any income tax liability. Tax-advantaged college savings accounts currently offer little help to families with limited disposable income.¹⁰

Endnotes

- 1 Gail McCallion, Congressional Research Service, April 26, 2004.
- 2 Gail McCallion. Congressional Research Service Report for Congress. *Early Childhood Education: Federal Policy Issues*. Updated February 20, 2004.
- 3 Gail McCallion. Congressional Research Service Report for Congress. *Early Childhood Education: Federal Policy Issues*. Updated February 20, 2004.
- 4 Gail McCallion. Congressional Research Service Report for Congress. *Early Childhood Education: Federal Policy Issues*. Updated February 20, 2004.
- 5 Congressional Research Service, 2004.
- 6 Department of Education, *Justifications of Appropriations Estimates to the Congress: Fiscal Year 2005*, Volume I.
- 7 The College Board, *Trends in Student Aid 2003*.
- 8 The College Board, *Trends in Student Aid 2003*.

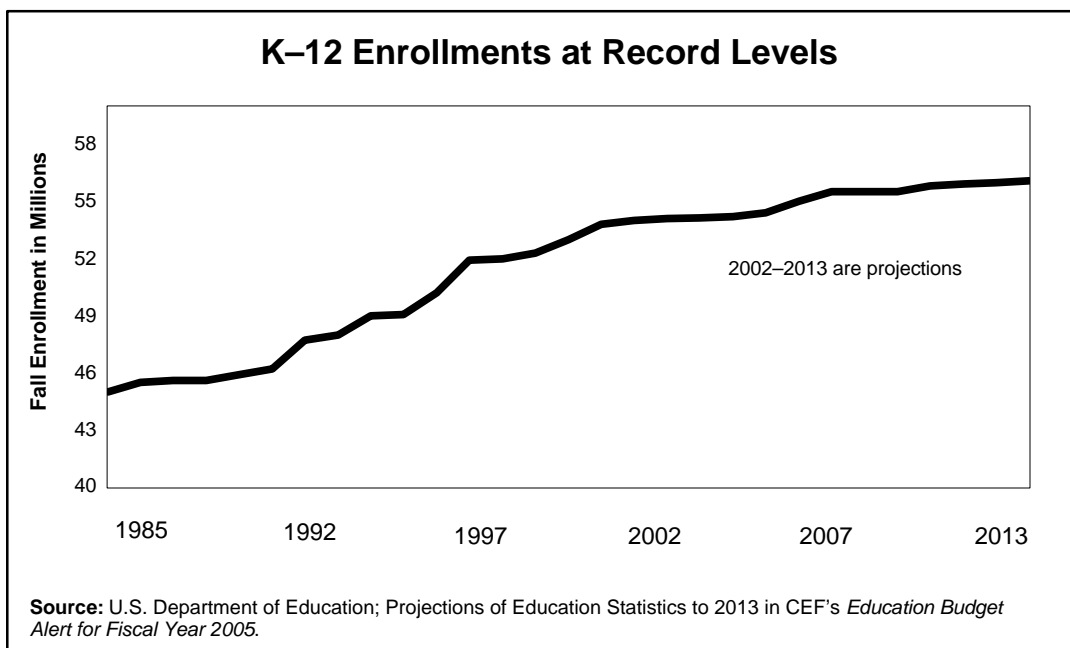
- ⁹ *Slamming Shut the Doors to College – The State Budget Crisis and Higher Education.* A Congressional Report prepared by the Democratic staffs of the Senate Committee on Health, Education, Labor, and Pensions; Senate Subcommittee on Education Appropriations; House Committee on Education and the Workforce; and House Committee on Appropriations, with additional analysis by the Joint Economic Committee Democratic staff.
- ¹⁰ *Slamming Shut the Doors to College – The State Budget Crisis and Higher Education.*

2

Investing in Education is More Important Than Ever

Early Childhood Education

Most three and four year-old children are currently enrolled in some type of non-parental care; the percentage of children in such programs is growing; and enrollments are expected to continue to rise over the next few years. Quality pre-kindergarten education has a direct impact on later academic success, but the quality of most programs is too low to promote later academic success. Quality is directly linked to the level of training and compensation of staff. Staff quality is negatively affected by low salaries. Despite the low salaries paid to staff, the cost of preschool and child care programs is often beyond the reach of many working families.¹¹



The Nation's Public Schools Face Significant Challenges

Elementary and secondary school enrollments are increasing. Estimates indicate that public and private elementary and secondary school enrollments reached record levels in 2003 and are expected to increase through 2007. The record 2003 enrollment rate reflects



an increase of 16 percent since the fall of 1990. Today, over 50 million children are enrolled in public and private elementary and secondary schools.¹²

According to the *2003 Progress Report for America's Infrastructure*, the nation's school buildings remain inadequate to meet the needs of school children. The average cost of capital investment needed is \$3,800 per student, more than half the average cost to educate a student for one year. Population growth is outpacing investment in our schools. While school construction spending has increased, the cost to remedy the situation remains more than \$127 billion.¹³

Public schools have not received the promised resources for reform. The *No Child Left Behind Act of 2001* (NCLB) establishes new, important goals to improve student achievement in the country's public elementary and secondary schools, authorizing more than \$32 billion for Fiscal Year 2004. This funding will provide extra educational assistance to economically disadvantaged children, help train teachers, reform failing schools, fund vital after-school programs, keep students safe, and fund other activities that will increase student achievement. When the Act became law, the Bush Administration and Congressional Republicans promised to provide the funding necessary to help schools implement required changes. But, they have not kept their promise.¹⁴ Due to inadequate resources, schools continue to be in dire need of resources as they strive to meet the ambitious goals of the NCLB.

The Nation's Public Schools Need Help

We are at a crossroads on education. The improvement needs of schools are widespread and deep. A workable school reform plan, the NCLB, has been enacted. However, in order to achieve the desired results, the plan must be adequately funded. Public schools are desperate for resources. Over \$125 billion in school construction and repair needs have not yet been met. Over 50,000 uncertified, untrained, unqualified teachers are teaching in America's classrooms. Schools serving low-income and minority students are four to five times more likely than other schools to have unqualified teachers. Appalling disparities exist in school finance.¹⁵

Our schools include many success stories, but more challenges must be overcome to improve public schools for all students. Student achievement scores are up in many states and school districts, and many schools have instituted local reforms based on high standards for their students. However, more work remains to be done.

Students are not making sufficient progress in math and science. Despite considerable energy devoted to educational improvement, achievement in mathematics has shown only modest gains since 1983. The Third International Mathematics and Science Study (TIMSS) results show little change in eighth-grade mathematics achievement between 1995 and 1999. In 1999, U.S. eighth graders performed above the TIMSS international average in mathematics, but still fell short of 14 countries in math achievement. Achievement in science reflects similar trends.

Students are not making sufficient progress in reading. According to the National Assessment of Educational Progress (NAEP), which has assessed trends in students' reading since the early 1970s, 37 percent of our fourth graders do not reach the "basic" achievement level in reading, and 68 percent do not reach the "proficient" level.¹⁶

NAEP test scores rise with increased investment in education. Between 1985 and 1990, NAEP witnessed a reversal in declining scores by our nation's students. That period corresponds to an increase in per-pupil expenditures, which grew by 20 percent after adjusting for inflation. Conversely, when NAEP achievement gains began to flatten from 1990 to 2000, expenditures per student rose only about six percent.¹⁷

Students are performing better on the NAEP test in reading. Data from 2002 indicates that reading test scores have improved for nine and 13 year-olds since 1992. Within racial and ethnic groups, reading test scores for eighth graders have increased by eight points for African American students, six points for Hispanic students, and five points for white students. Improvements in these demographic groups have been slightly lower on fourth grade reading test scores — a seven point increase for African American students, four points for Hispanic students, and five points for white students.¹⁸

Students are performing better on the NAEP test in mathematics. Data from 2003 indicates that math test scores have improved since 1990 — by 15 points for eighth grade students and by 22 points for fourth grade students. Across racial and ethnic groups there are substantial increases in math test scores for nine year-olds. African American fourth grade students' math test scores have improved by 28 points, for Hispanic fourth-graders by 22 points, and for white fourth-graders by 23 points. Substantial but somewhat lower levels of improvements in math test scores are reported for eighth graders. Thirteen year-old African American students show an improvement of 15 points in math test scores; Hispanic students a 13-point increase; and white students an increase of 18 points.¹⁹

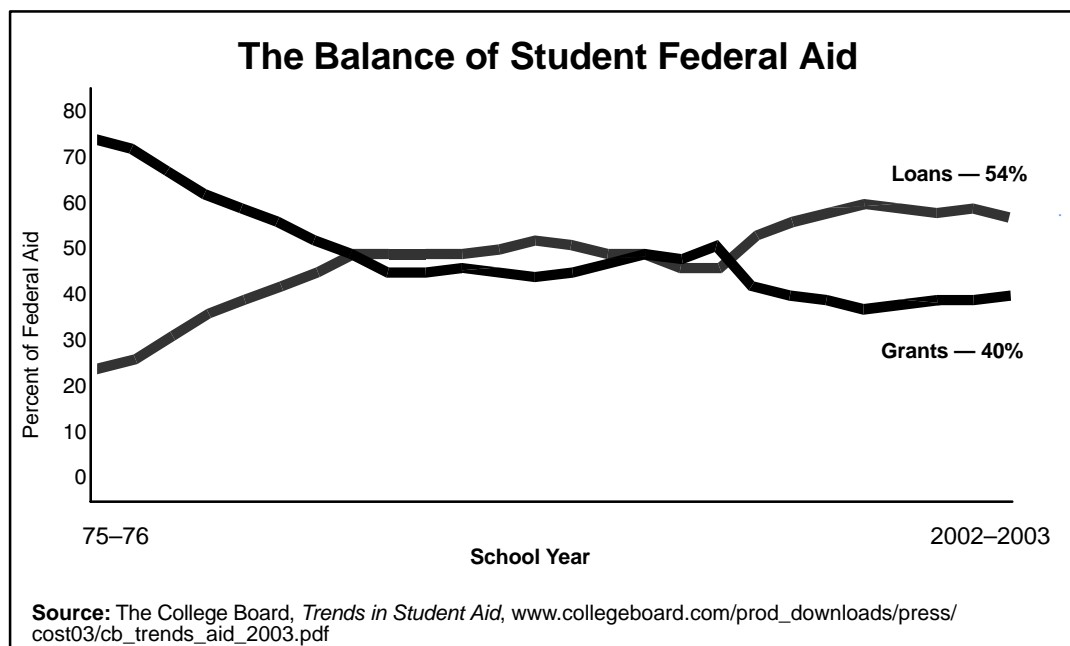
Increased Investments in Education Pay Off for Students

Education fueled the gains in labor productivity that many economists credit for the boom years of the 1990s, according to a September 2003 report by the Organization for Economic Cooperation and Development (OECD). In addition to boosting the economy as a whole, education paid off for individual workers as well. During the last decade, every dollar that Americans spent on education ultimately resulted in a net 15 percent increase in annual income. An international assessment conducted by OECD in 2000 demonstrates a correlation between increased spending on education and increased student achievement.²⁰

Higher Education is Becoming Increasingly Important, Yet Harder to Afford

The Nation's workers require strong skills to compete in the new global economy. More and more jobs in our economy require technological or specialized training. The need for workers with postsecondary training is expected to increase at a faster rate than the need for low-skill workers in the coming decade. According to estimates by the Bureau of Labor Statistics, almost a third of the growth in employment from 2000 to 2010 is expected to occur in occupations that require at least a bachelor's degree. Two of the fastest growing fields — computer science and health care — require a college education. Another 13 percent of growth is expected to occur in professions that require workers to possess an associate's degree or postsecondary vocational training, such as medical assistants and computer support specialists. These high-skill jobs also typically pay wages significantly above the average for all workers. Low-skill jobs are predicted to account for a larger share of employment growth. But, most of these positions, such as food preparation, pay low wages.²¹





Education is the key to earning power. Higher education is the gateway to future success of Americans. A college degree is worth 75 percent more in earnings than a high school diploma or more than \$1,000,000 over a lifetime in the workforce.²² A college graduate earns almost twice the amount of what a high school graduate earns in a year, and close to three times what a high school dropout earns.

The value of a college education has skyrocketed. Today's male graduates make \$32,000 a year more than those with only a high school diploma, up from only a \$15,000 differential in 1975, after adjusting for inflation. Many individuals perceive the bachelor's degree not as a social investment, but as a ticket to personal financial security.²³

Low-income Students Face Growing Financial Barriers to Attending College

Since 1998 when Congress last reauthorized the *Higher Education Act* (HEA), college enrollment has risen to an all-time high, and will continue to grow. The changing knowledge, information, and technology economy has increased the demand for a college degree. As mentioned earlier, workers with a bachelor's degree now make 75 percent more than those without and jobs requiring some postsecondary education are expected to account for over 40 percent of total job growth from 2000 to 2010.²⁴ U.S. college graduates earn 70 percent more than high school graduates.²⁵ Carnevale, an economist with the Educational Testing Service, estimates that if current economic trends continue, by 2020, the U.S. will need 14 million more workers with a college education than its education systems will have produced.²⁶

Yet at the same time, the cost of college has risen drastically, limiting access for many qualified students, and the teacher shortage in our nation's schools has grown. For the 2003-2004 school year, four-year public universities reported an average tuition increase of over fourteen percent — on top of almost ten percent last year.²⁷ This figure is compared to

a four percent increase three years ago. For families in the lowest income quartile, average public university costs now consume over 60 percent of their income — compared to over 40 percent in the early 1970s. And, the purchasing power of the Pell grant has declined. Today, Pell grants cover only 40 percent of average fixed costs at four-year public colleges. In contrast, 20 years ago, they covered 80 percent of costs.²⁸

State Budget Crisis and Higher Education

States are in the throes of the worst fiscal crisis since World War II. In 2003, states anticipated a total deficit of \$40 billion, according to the National Governors Association. In order to reduce the Fiscal Year 2003 deficit, 40 states reduced their state budgets by a total of \$11.8 billion after they were passed. Several states have exempted K–12 education from cuts, but in other states, this politically sensitive area has not been spared budget cuts.²⁹ According to the National Conference of State Legislatures, states anticipate budget shortfalls of \$79 billion in Fiscal Year 2004.

A recent report from the Senate Committee on Health, Education, Labor and Pensions (HELP) and the House Education and Workforce Committee estimates that state expenditures on K–12 education in 2003 were \$6.7 billion below the amount necessary to accommodate normal increases in student populations. Six states enacted substantial budget cuts in funding for K–12 education in 2003: Idaho (\$23.3 million), Illinois (\$176 million), Indiana (\$115 million), Massachusetts (\$75 million), Kansas (\$17.5 million), and Washington (\$92 million).³⁰

States proposed cuts of \$5.5 billion in state higher education funding in 2003–2004. To offset state budget cuts, colleges and universities in California, Idaho, Illinois, Indiana, Massachusetts, Pennsylvania, Minnesota, Mississippi, Virginia, and Washington — or 40 percent of public colleges and universities — have proposed double-digit tuition increases for the fall of 2003, according to the American Association of State Colleges and Universities.³¹

For the 2003–2004 academic year, the average tuition and fees for in-state students at four-year colleges and universities increased by 14.1 percent. Tuition and fees at public two-year colleges has increased by 13.8 percent. Private four-year colleges seeing drops in endowment income and slowed growth in charitable giving are increasing tuition and fees by six percent.³² According to a College Board report, tuition costs at public colleges rose more rapidly in 2002 than at any time over the past three decades.³³

At a time when a college education or advanced job training is becoming more and more important for economic success, it is becoming less and less affordable. After inflation, college tuition has risen 28 percent since President Bush took office. No longer a luxury for the elite, two-year and four-year college educations are increasingly important for America's long-term economic growth and security. However, approximately 400,000 qualified high school graduates will not attend a four-year college this year because of financial barriers, and approximately 220,000 qualified high school graduates will not go to college at all because of financial barriers.

Unfortunately, the Bush Administration has failed to adequately respond to these financial needs. The maximum Pell grant under President Bush's budget would pay just 34 percent of the average public college cost, down from 42 percent in 2001, and 80 percent in 1975. Last year, President Bush tried to cut 84,000 Pell grants.³⁴ To prevent the state budget crunch from limiting college opportunity, Senate Democrats are committed to investing substantially more in student aid programs to help more college students.

A College Board survey suggests that the rise of tuition costs has been particularly rapid in mid-Atlantic and midwestern states, as universities scramble to close deficits caused by declining state appropriations.³⁵



Endnotes

- 11 The Trust for Early Education, http://www.trustforearlyed.org/TEE_Case.aspx
- 12 National Center for Education Statistics, *Digest of Educational Statistics 2002*, Chapter 2: Elementary and Secondary Education, Table 3: Enrollment in Elementary and Secondary Schools, by Level—Control of Institution (in thousands): Fall 1970 to Fall 2006 at www.nces.ed.gov.
- 13 American Society of Civil Engineers. *2003 Report Card for America's Infrastructure*. <http://www.asce.org/reportcard/pdf/fullreport03.pdf>
- 14 Opening Statement by Representative John M. Spratt, Jr. Supporting the *No Child Left Behind Act*. Democratic Policy Committee (DPC) hearing on education. July 18, 2003.
- 15 Senator Edward M. Kennedy. Statement on the Promise of the *No Child Left Behind Act*. Democratic Policy Committee (DPC) hearing on education. July 18, 2003.
- 16 Tracy King and Ellynne Bannon. *The State PIRG's Higher Education Project, 2002*.
- 17 <http://nces.ed.gov/nationsreportcard/pubs/main1999/2000469.asp>
- 18 2003 NAEP Reading Report Card.
- 19 2003 NAEP Mathematics Highlights, NCES 2004–451.
- 20 *Education Daily*. Volume 36, No. 173, September 16, 2003.
- 21 Hecker, Daniel E. "Occupational Employment Projections to 2010." *Monthly Labor Review*, November 2001.
- 22 Educational Resources Information Center (ERIC) Digest, ED470038 by Kathleen Porter, "The Value of a College Degree," (www.ericfacility.net/extra/index.html).
- 23 Kirp, David. "No Brainer," *The Nation*, November 10, 2003.
- 24 Letter from Senator Kennedy and others, November 10, 2003.
- 25 Hilary Pennington, in *The American High School Crisis and State Policy Solutions*, National Center on Education and the Economy, December 3, 2003 and *Ready for Tomorrow: Helping All Students Achieve Secondary and Postsecondary Success*, November 14, 2003, National Governors Association, by Richard Kazis, Hilary Pennington and Kristin Conklin both studies are available at www.nga.org; Carnevale, Anthony and Donna Desrochers, 2001. *Help Wanted — Credentials Required: Community Colleges in the Knowledge Economy*, Princeton, NJ: Educational Testing Service.
- 26 Carnevale, Anthony, "Preparing for the Future," *American School Board Journal*: 2002.
- 27 *Trends in College Pricing*, The College Board, 2003, www.collegeboard.com.
- 28 Letter from Senator Kennedy and others, November 10, 2003.
- 29 Nine states exempted K–12 education expenditures from budget cuts in 2003: Colorado, Georgia, Kentucky, Minnesota, Mississippi, Nevada, North Carolina, Tennessee, and Virginia, *The Fiscal Survey of States*, December 2003, National Governors Association, available at www.nga.org.
- 30 Lav, Iris and Kevin Carey. December 2002, "A Wide Range of Public Services Already Have Been Cut in this State Fiscal Crisis," Center on Budget and Policy Priorities, available at www.cbpp.org and *The Fiscal Survey of States*, December 2003, National Governors Association, available at www.nga.org.
- 31 *Slamming Shut the Doors to College — The State Budget Crisis and Higher Education*.
- 32 The College Board, *Trends in College Pricing 2003* at www.collegeboard.com.
- 33 Michael Dobbs. "Tuition Soars at Public Colleges," *The Washington Post*, October 22, 2003. Page A3. The College Board, *Trends in College Pricing 2003* at www.collegeboard.com.
- 34 Minority Staff of the Committee on Health, Education, Labor, and Pensions, April 2004.
- 35 Michael Dobbs. "Tuition Soars at Public Colleges," *The Washington Post*, October 22, 2003. Page A3. The College Board, *Trends in College Pricing 2003* at www.collegeboard.com.

3

Significant Investment in Education is Critical to Ensuring the Nation's Civic and Economic Health

Since the passage of the GI Bill in 1944, which enabled thousands of returning veterans to attend college, the federal government has made a significant investment in higher education – primarily through the provision of direct financial aid to students. In the 2000–2001 school year, the federal government dispensed \$50 billion in aid. As a nation, we have reaped the rewards of this investment in the form of a highly-skilled workforce; enhanced productivity and economic growth; and higher wages for college graduates.³⁶

An analysis of the driving factors of economic growth shows that rising labor productivity accounted for at least half of Gross Domestic Product (GDP) per capita growth in most Organization for Economic Cooperation and Development (OECD) countries. Labor productivity can be increased in several ways and human capital plays a major role linking output to productive inputs, and serving as a determinant of the rate of technological progress. In fact, the estimated long-run effect on economic output of one additional year of education in the OECD area is approximately six percent.³⁷

Over the last fifty years, the number of students pursuing postsecondary education has grown seven-fold to almost 15 million.³⁸ The demand for highly-educated and skilled workers will only continue to grow in the future. Most of the fastest-growing professions, including health care and computer science, require at least a bachelor's degree. Jobs that require some type of postsecondary certification (a vocational award or higher) are expected to have faster-than-average employment growth in the coming decade and account for about 42 percent of total job growth from 2000 to 2010.³⁹

Recent economic and financial aid policy trends, however, may keep many young people from being able to pursue higher education at a time when the nation most needs it. The problem is particularly acute for low-income students. Since the early 1970s, average tuition and fees at four-year public universities have more than doubled (in constant 2000 dollars).⁴⁰ For households making \$25,000 a year, annual tuition and living expenses at a public university would consume almost half of their annual income. These prohibitive costs are part of the reason why low-income high school graduates enroll in college at a consistently lower rate than their higher-income peers.⁴¹

Federal financial aid has not kept pace with rising costs. The *Higher Education Act* outlined a federal commitment to provide equal access to college for all students. The Act created the programs that have become the cornerstone of federal assistance — need-based aid, guaranteed student loans, and work-study. Traditionally, this aid has been targeted toward the most risk-averse and cash-constrained students. However, recent policy decisions have devoted a growing share of federal financial aid resources to middle- and upper-income students, primarily through the growth of the student loan program, tax credits, and other tax incentives. At the same time, Pell grants for low-income students have declined in purchasing power over the last 25 years.⁴²

In an effort to meet the future demands of our increasingly information, knowledge, technological, and skill-based labor market, Senate Democrats are committed to a continual investment in higher education to increase the number of people with access to postsecondary education and training. Federal financial aid assistance for students who already have sufficient resources to afford college does little to increase the number of highly-educated workers. Some experts argue that the most efficient and effective use of federal dollars would be to concentrate them on those students who cannot otherwise afford postsecondary education.⁴³

Federal investment in higher education generates economic benefits in several ways:

- ✓ **Meets the demand for a highly-skilled workforce.** A growing number of jobs in our economy require technological or specialized training. The need for workers with postsecondary training is expected to increase at a faster rate than the need for low-skill workers in the coming decade. According to Bureau of Labor Statistics (BLS) estimates, almost a third of the growth in employment from 2000 to 2010 is expected to occur in occupations that require at least a bachelor's degree. Two of the fastest-growing fields — computer science and health care — require at least a college education. Another 13 percent of job growth is expected to occur in professions that require workers to possess an associate's degree or postsecondary vocational training, such as medical assistants and computer support specialists. These high-skill jobs also typically pay wages significantly above the average for all workers. Low-skill jobs are predicted to account for a larger share of employment growth. But, most of these positions, such as food preparation, pay low wages.⁴⁴
- ✓ **Enhances productivity.** A key to long-term economic growth is an increasingly productive labor force. Workers become more productive by obtaining new and better equipment with which to work, and by acquiring new skills and knowledge. Improvements in labor force skills and "improvements in knowledge" account for a significant part of economic growth. Several researchers conclude that education alone accounts for about 15 to 20 percent of the growth in national income, with about a quarter of that growth stemming from higher education.⁴⁵
- ✓ **Expands the labor force.** Individuals with higher levels of education are more likely to be in the labor force. About 80 percent of adults with a bachelor's degree or higher were labor force participants in 2000. However, less than half of adults without a high school diploma were working or actively seeking work.⁴⁶
- ✓ **Increases wages.** College graduates have always earned more, on average, than those with less education. Since the 1980s, however, college graduates have experienced a much faster growth in average income than high school graduates. The gap widened during the economic boom of the 1990s. In 2000, the average income for a man with a college education was almost double that of a man with a high school diploma. Women with a college education had an average income that was almost 90 percent greater than women with a high school degree. With higher wages, families have less need for social services and more disposable income to increase consumption.⁴⁷

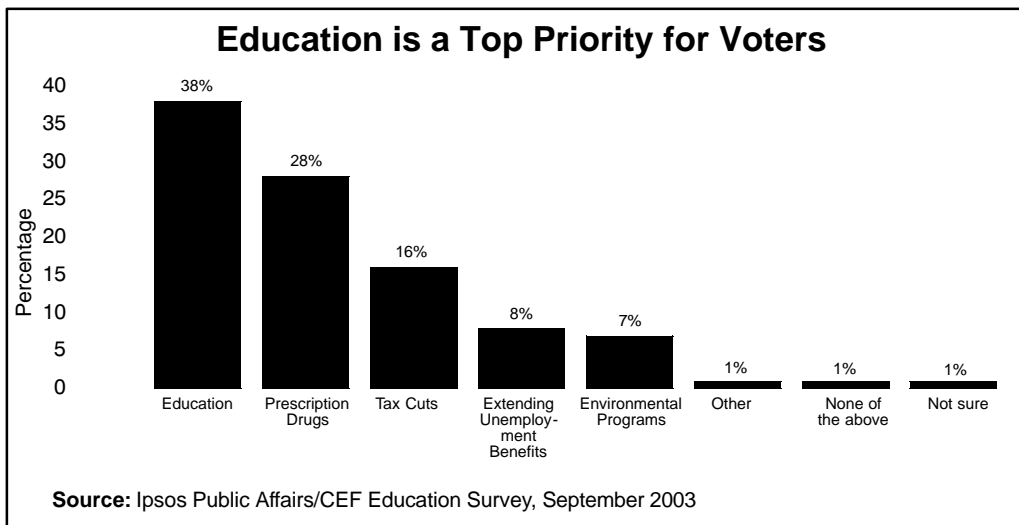
Endnotes

- ³⁶ *Slamming Shut the Doors to College – The State Budget Crisis and Higher Education*, p. 21.
- ³⁷ Organization for Economic Cooperation and Development (2003) *Education at a Glance*, Paris. Information available on-line: www.oecd.org/edu/eag2003 or through the OECD Washington Center, (202) 822–3866.
- ³⁸ *Digest of Education Statistics 2002*. United States Department of Education. National Center for Education Statistics (NCES), 2002. NCES 2002–130. Table 172, p. 210.
- ³⁹ Hecker, Daniel E. "Occupational Employment Projections to 2010." *Monthly Labor Review*, November 2001.
- ⁴⁰ All figures in this report are in 2000 dollar amounts unless otherwise noted.
- ⁴¹ *Slamming Shut the Doors to College – The State Budget Crisis and Higher Education*.
- ⁴² *Slamming Shut the Doors to College – The State Budget Crisis and Higher Education*.
- ⁴³ *Slamming Shut the Doors to College – The State Budget Crisis and Higher Education*.
- ⁴⁴ Hecker, Daniel E. "Occupational Employment Projections to 2010." *Monthly Labor Review*, November 2001.
- ⁴⁵ Becker, Gary. 1993 (3rd Edition). *Human Capital: theoretical and empirical analysis, with special reference to education*. University of Chicago Press. Larry L. Leslie and Paul T. Brinkman. *The Economic Value of Higher Education*, 1988. New York: American Council on Education and Macmillan Publishing Company.
- ⁴⁶ *Digest of Education Statistics 2001*. United States Department of Education. NCES 2002–130, p. 443, in *Slamming Shut the Doors to College – The State Budget Crisis and Higher Education*.
- ⁴⁷ *Slamming Shut the Doors to College – The State Budget Crisis and Higher Education*.

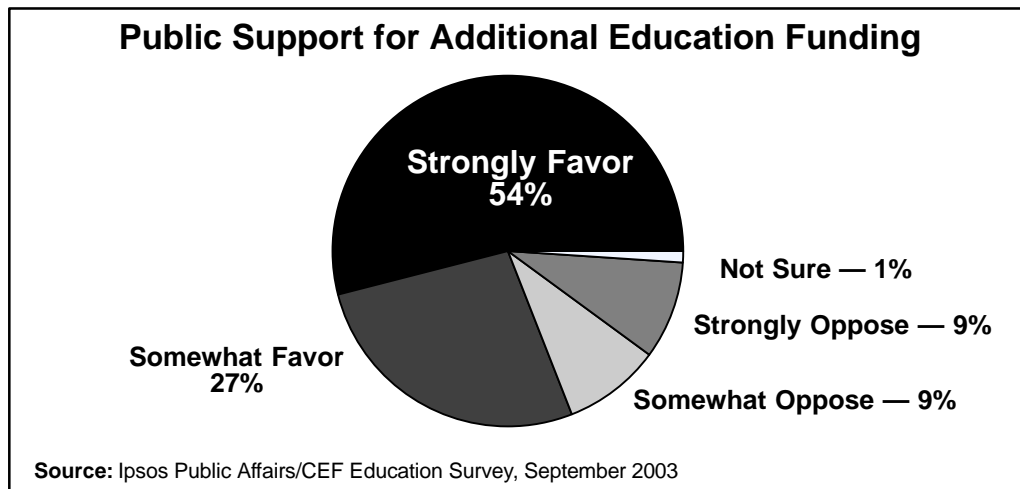
4

The Public Strongly Supports Education

Americans care deeply about their children's education and rank education at the top of all domestic issues, setting aside spending for the military and homeland security. Ipsos Public Affairs and the Committee for Education Funding (CEF) released a survey in September 2003 which showed that education ranks at the top of the federal domestic policy agenda.



Voters believe that it is important that the federal government provide additional funding for education.



5

The Bush Education Agenda for 2004: “Leave Millions of Children Behind”

Four years ago, then–Governor Bush promised that as President he would “leave no child behind.” Four years later, the Bush record on education is in: broken promises on education reform have left millions of children behind. A review of the President’s most recent budget reveals the real Bush education agenda:

- ✗ Provide the smallest increase for education since 1996 (total discretionary spending for education would rise three percent), at a time when schools are struggling to meet the mandates of the *No Child Left Behind Act* (NCLB);
- ✗ Underfund the levels promised by NCLB for Fiscal Year 2005 by \$9.4 billion;
- ✗ Leave 4.6 million disadvantaged children behind;
- ✗ Fail to fully fund the *Individuals with Disabilities Education Act* (IDEA) (or law governing special education) Part B State Grants. The Administration proposes to increase IDEA Part B funding by only \$1 billion, for a total of 11.07 billion — significantly less (19 percent) than Congress committed to pay (40 percent) when IDEA was first adopted in 1975;
- ✗ Freeze the Pell grant maximum award for the third straight year at \$4,050, enough to pay just 34 percent of the average annual cost of attending college — down from 42 percent in 2001;
- ✗ Pay for inadequate increases to Title I and IDEA by eliminating 38 education programs providing vital services to children including dropout prevention, gifted and talented, school counseling, alcohol abuse reduction, arts in education, and Leveraging Educational Assistance Partnerships (LEAP);
- ✗ Undermine the NCLB by level–funding programs that work, including 21st Century Community Learning Centers — over one million children who should receive after–school services would be left behind. President Bush freezes most other major K–12 education programs without providing an inflation adjustment, including Impact Aid (\$1.2 billion), rural education (\$168 million), and English language acquisition (\$681 million); and
- ✗ Include a “choice incentive fund” that would divert taxpayer funds to private schools through a \$50 million voucher program — one that makes no real difference in student achievement.

Democrats want to keep our promises to children and parents by:

- ✓ **Fully funding NCLB.** The **Murray–Kennedy** amendment to the Republican *Budget Resolution* would have added \$8.6 billion to fully fund NCLB, included \$8.6 billion for

deficit reduction, and been offset by closing tax loopholes. Republicans defeated this amendment on March 10, 2004 by a vote of 46 to 52;

- ✓ **Fighting for more and better pre-school programs, improving teacher training, strengthening accountability, and increasing access to Head Start.** Senate Republicans rejected a **Dodd** amendment on September 9, 2003 by a vote of 47 to 47 to provide an additional \$350 million for Head Start, which would have brought enrollment to two-thirds of eligible pre-school children and provided thousands of additional dollars toward achieving full-funding of Head Start;
- ✓ **Creating greater access to college by expanding financial aid programs that help our young people attend and graduate from college.** Senate Republicans rejected a **Kennedy** amendment to increase the maximum Pell grant from \$4,050 to \$5,100 on March 11, 2004 by a vote of 44 to 53; and
- ✓ **Providing mandatory full-funding for IDEA to meet the needs of the approximately 6.5 million children served under IDEA.** Over two years ago, an amendment to provide mandatory full-funding of IDEA was offered by Senators **Harkin** and **Hagel** and others to NCLB. The amendment passed the Senate by voice vote, but was not included in the final bill because of Republican opposition in the House and White House.

The Democratic Plan: Reform with Resources

Democrats would make education a priority by providing increased resources to states and local school districts, ensuring that students have access to more high-quality teachers and good public schools, more children enter school ready to learn, more students can afford to go to college, and more adults who need job training can receive it. As part of a responsible budget plan, which balances fiscal restraint with investment in critical priorities, Democrats are committed to a significant investment in education.

6

The Democrats' Education Agenda for the Second Session of the 108th Congress

Democrats are committed to strengthening our schools and fulfilling our promise to the next generation. Beginning with pre-school, and continuing through college, we must ensure that students, no matter their background, are given the tools they need to pursue the American dream.

Head Start (early childhood education)

Head Start is one of the great success stories in American education. Over the past four decades, it has helped millions of low-income children enter elementary school healthier, better able to communicate with others, more interested in books, and ready to learn.

Unfortunately, only 60 percent of children eligible for Head Start are receiving services, and only 3 percent of children eligible for Early Head Start are getting services.

- ✓ Last year, Democrats fought to expand Head Start enrollment, and we also fought to expand Early Head Start to serve more than 100,000 infants and toddlers in need.
- ✓ In addition, Democrats want to provide more help to working parents by increasing the number of children who are able to participate in full-time programs instead of part-time programs.

"No Child Left Behind" Should Mean What It Says

Leaving no child behind means providing a quality teacher in every classroom; it means providing the resources necessary to make real improvement in schools that are not making the grade; and it means closing the achievement gap between children from wealthy families and children from low- and middle-income families.

This year, Democrats tried to remedy the President's underfunding of the *No Child Left Behind Act* by proposing an amendment to the budget that would have increased funding by \$8.6 billion. The Democratic plan would have:

- ✓ Provided the resources to improve training for 200,000 teachers and hire an additional 100,000 teachers;
- ✓ Funded after-school care for an additional 1.4 million children; and
- ✓ Helped improve over 25,000 schools that are not making adequate progress.

Fully Funding the *Individuals with Disabilities Education Act* (IDEA) or special education

Democrats are committed to fulfilling our obligation to ensure a free and appropriate public education for all children with disabilities. To accomplish that, we need to fully fund the IDEA at the level Congress promised when it enacted the program.

Supporting English Proficiency

The U.S. Department of Education estimates that the number of students who have limited proficiency in English grew by nearly one million in just the last year. Democrats reject the President's proposal to freeze funding in this area, and would instead invest resources to train teachers to help these children learn English so they can become fully-functioning members of our society.

Continuing the Commitment Through High School

As many as a quarter of all secondary school students read below basic levels, and more than half—a-million students will leave high school this year without earning a diploma. To address these problems, Democrats believe we must provide more support for intensive literacy programs, counseling, and smaller learning communities.

Making Higher Education More Affordable

A college education is becoming more and more important to success in the new economy. Workers with a college degree make 75 percent more than those without. Over a lifetime, a person with a college degree earns \$1 million more than someone with only a high school diploma.

But today, college is too expensive for too many families. Democrats have a plan to help those families:

- ✓ Increase the maximum Pell grant from \$4,050 to \$5,100. Under the Democratic plan, 4.8 million college students would see an average increase of \$600 in their Pell grants, and almost 500,000 students would receive grants for the first time.
- ✓ Expand the HOPE scholarship program by doubling the tax credit, extending the program from two years to four years, and making it refundable. Over three million hard-pressed, middle-class families would see an increase of \$9,000 in tax benefits over four years.
- ✓ Eliminate unnecessary taxes and fees on federal loans, which have eclipsed grants as the largest part of our federal assistance program.
- ✓ Reaffirm our commitment to institutions that are providing opportunities in underserved communities.

Historically Black Colleges and Universities (HBCUs)

More than half of the nation's African American school teachers, and more than 70 percent of African American dentists and physicians earned degrees at HBCUs. These institutions play a critical role in closing the achievement gap, and Democrats are committed to providing them with the resources they need to fulfill their mission.

Hispanic Serving Institutions of Higher Education (HSIs)

If we're going to fully open the doors of higher education to members of the Latino community, we have to do better than the President's paltry two percent increase in funding for HSIs. Democrats are committed to doing better, and we recognize that serious investments in HSIs are the place to start.

Tribal Colleges and Universities (TCUs)

Unlike President Bush, Democrats understand that TCUs are instrumental in bringing quality education to thousands of Native Americans who live in remote areas of the country. We will fight President Bush's proposed cuts, and we will fight for adequate funding of TCUs.

Strengthening Perkins Vocational Education

Many students want to enter the workforce directly after graduating from high school. High-quality career and technical education programs offer integrated academic and technical coursework leading to direct skills that qualify graduates for good jobs. The President's Fiscal Year 2005 budget proposal eliminates most existing programs under Perkins and replaces them with a \$1 billion new program, Secondary and Technical Education State Grants.

Senate Democrats oppose the \$335 million cut to Perkins and are committed to proven programs like Tech Prep, Tribally-Controlled Postsecondary Institutions, and innovative national programs.

Highlights of the Senate Head Start Reauthorization Debate, Including Key Program Improvements

Head Start — the comprehensive preschool program for low-income children who are three to five years-old — is scheduled for reauthorization in the 108th Congress. President Bush has proposed a plan for reauthorizing Head Start that would turn the program over to cash-strapped states, compromising the program's quality and comprehensive services and its very success in helping children in poverty prepare to enter school ready to learn. Democrats are committed to strengthening Head Start, expanding its services to additional children, and fighting any proposal that could dismantle the program.

In July 2003, Senators **Dodd** and **Kennedy** introduced a blueprint for strengthening Head Start in the upcoming reauthorization. The *Head Start Coordination and School Readiness Act of 2003 (S. 1483)*, builds upon the quality and high performance standards at the heart of the Head Start program. **S. 1483** protects Head Start's comprehensive services while enhancing services for literacy, math, and social development. The bill set a goal of having a teacher with a bachelor's degree in every Head Start classroom in eight years, and provides the funding necessary to meet that goal and support Head Start teachers with fair and competitive wages. **S. 1483** also furthers the collaboration between Head Start and other early learning programs in the states, to ensure that the greatest quality of services are delivered to low-income children and to offer the best professional development possible for all preschool teachers. **S. 1483** calls upon the National Academy of Sciences to work with the Head Start Bureau to develop high-quality assessments for use in Head Start programs that are valid, reliable, appropriate, and fair to children of all backgrounds.

On October 29, 2003, the Senate Health, Education, Labor, and Pensions Committee approved legislation — the *Head Start Improvements for School Readiness Act (S. 1940)* — by a vote of 21 to 0. **S. 1940** would reauthorize Head Start to include many of the program improvements that Democrats sought as essential to continuing the legacy of high-quality services under Head Start. The bill includes increased funding of Head Start and Early Head Start, expanded eligibility to serve more low-income children in the program, and an increase in the Indian and Migrant Head Start programs. **S. 1940** also strengthens the Head Start workforce through additional educational requirements for Head Start teachers, and provides for greater collaboration between Head Start and other early childhood programs through an expanded Head Start Collaboration office in every state.

S. 1940 rejects proposals to block grant Head Start or grant states eligibility to administer Head Start programs. The bill also rejects proposals to weaken Head Start's performance standards, or to de-fund programs based on child assessments. At the time of this publication, **S. 1940** was still awaiting floor consideration.



The Senate Head Start bill would enable more poor children to get a head start by:

- ✓ **Increasing funding of Head Start.** Current funding for Head Start is \$6.6 billion. The House and Senate Fiscal Year 2004 Labor, Health and Human Services (HHS), and Education Appropriations bills include \$6.815 billion for Head Start — an increase of \$148 million, which is barely enough to cover inflation. The bill authorizes an additional \$400 million a year for Head Start in the first three years — \$7.215 billion for Fiscal Year 2005, \$7.615 billion for Fiscal Year 2006, \$8.015 billion for Fiscal Year 2007, and such sums as necessary for Fiscal Year 2008 and Fiscal Year 2009;
- ✓ **Increasing the set-aside for Early Head Start from ten percent to 18 percent to nearly double the number of infants and toddlers served in Early Head Start;**
- ✓ **Increasing program eligibility for children in families with income from 100 percent to 130 percent of poverty to enable more children of working families to be served under Head Start; and**
- ✓ **Increasing funding for Native American and Migrant Head Start programs.**

The Senate Head Start bill would strengthen the Head Start workforce by:

- ✓ **Raising the minimum educational requirements for Head Start teachers.** By September 30, 2009, all Head Start teachers would be required to have at least an associate's degree. By September 2007, all Head Start assistant teachers would be required to have at least a Child Development Associate (CDA) credential or be enrolled in a program leading to a CDA within two years. By September 30, 2010, 50 percent of all Head Start teachers in each Head Start program would be required to have a bachelor's degree;
- ✓ **Creating a new program for tribal colleges to develop and operate Head Start teacher preparation programs via distance education;**
- ✓ **Creating more opportunities for Head Start staff to engage in professional development activities.** Head Start agencies may encourage Head Start staff to upgrade their skills by using federal funds to provide assistance in the form of scholarships, tuition assistance, or other types of aid; and
- ✓ **Enhancing training and technical assistance.** The bill would require two percent of Head Start funds to be used for training and technical assistance — one percent for Head Start agencies and one percent for the Secretary of HHS. (The House bill would provide only one percent for training and technical assistance, eliminating critical funds to improve Head Start programs at the local level.)

The Senate Head Start bill would strengthen Head Start coordination and collaboration by:

- ✓ **Strengthening and expanding state Head Start collaboration offices.** These offices would be strengthened and expanded to promote collaboration and coordination among programs serving young children; promote alignment of Head Start services with state school readiness standards; better coordinate professional development opportunities for Head Start staff such as assisting two- and four-year colleges to develop articulation agreements and awarding grants to colleges to

develop model early childhood programs; and promote partnerships between Head Start agencies and other organizations to improve the Head Start curriculum to promote the inclusion of more books in Head Start classrooms;

- ✓ **Authorizing funds for and establishing Centers of Excellence to model exemplary programs serving children ages zero to eight years–old; and**
- ✓ **Requiring that the Secretary convene annual consultations with tribes in order to better meet the needs of Head Start programs in tribal communities.**

The Senate bill would help improve outcomes for children by:

- ✓ **Designating or creating a state advisory council on early care and education.** States would be required to designate or create a state advisory council on early care and education from birth to school entry that would identify barriers to and opportunities for collaboration between federal and state programs; develop recommendations for establishing a unified data system; and develop a statewide professional development plan for early care and education in the state.

The Senate bill would strengthen the academic portion of Head Start by:

- ✓ **Retaining and strengthening the Head Start quality performance standards to ensure program quality and comprehensive services;**
- ✓ **Strengthening the academic component of Head Start and requiring Head Start agencies to set program goals;**
- ✓ **Promoting literature rich classrooms.** Every Head Start teacher would be required to receive on–going literacy training, including training in methods to promote phonological and phonemic awareness and vocabulary development, and methods to best meet the needs of English language learners; and
- ✓ **Establishing a National Academy of Sciences panel to review appropriate Head Start academic requirements and appropriate assessments for young children, and requiring submission of a report to the Secretary of HHS within one year that contains expert recommendations.**

The Senate bill would strengthen the accountability of Head Start programs by:

- ✓ **Improving Head Start accountability and monitoring;**
- ✓ **Improving community needs assessments and requiring agencies to take quick action on under–enrollment; and**
- ✓ **Imposing a salary cap on top–level Head Start staff.**

The Senate version would not include the following:

- ✗ Block grants;
- ✗ State eligibility to run Head Start programs;



Education Sourcebook

- X** Employment discrimination by federally-funded religious organizations;
- X** Weakening of Head Start performance standards; or
- X** Program de-funding based on child testing.

Myth Versus Reality on Head Start

In its effort to block grant and dismantle Head Start, the Bush Administration has recently perpetuated many myths about the Head Start program. This section dispels these myths and sets the record straight about a program that has a proven track record of success in helping millions of at-risk children.

Myth #1: Head start is simply a pre-school program.

Reality: Since 1965, Head Start has been a pre-school and a family support program targeting poor children who are most likely to be at risk of poor school performance. Head Start uses a holistic approach in providing comprehensive services for children and parents. These services include education, health, nutrition, social and emotional components, family literacy, social services, and parental involvement. Head Start children arrive with numerous and difficult challenges, but studies show that they are ready to learn by the time they enter kindergarten and make significant progress during the year.

Myth #2: The Bush Administration's budget proposal adequately funds Head Start.

Reality: Head Start currently serves only 60 percent of eligible three and four year-olds and only three percent of eligible infants and toddlers. The Bush Administration's Fiscal Year 2005 budget request provides only \$6.9 billion for Head Start, making it difficult to expand services to additional children and prioritizing funds to allow states to experiment with this proven effective program.

Reality: According to the National Governors Association, state economies are in the worst shape since World War II. States are facing budget deficits in the range of \$70–\$85 billion for Fiscal Year 2004, according to the Center on Budget and Policy Priorities. The National Conference of State Legislatures reports that two-thirds of the states reported revenue collections below forecasted levels through October 2002. The budget shortfall for Head Start for 2003 was \$17.5 billion.

Reality: Early Head Start, a component of the Head Start program, provides high-quality family development services to low-income pregnant women, infants, and toddlers, from birth to age three. A state block grant of Head Start funds like the President has proposed could result in the termination of Early Head Start as states focus on three and four year-old children. Failing to adequately fund the Head Start program would severely undermine the successes of Early Head Start and leave thousands of children behind.

Myth #3: Head Start children know only two letters of the alphabet; therefore, the program is failing.

Reality: Significant reforms were made in the Head Start program with regard to literacy outcomes in 1998. The Administration uses pre-1998 studies to support claims that Head Start is failing. More recent research from 2000 and 2001 shows that Head Start children make significant progress in letter recognition, by on average recognizing nine letters — bumping up against the 10 letter threshold called for in the 1998 bill. If we want to strengthen literacy requirements in Head Start, we should do so. But, at a minimum, we should be talking about Head Start performance post-1998 reforms, not relying on old data from studies conducted prior to the last reauthorization.



Myth #4: Gains to Head Start children “fade out.”

- Reality:** Head Start benefits do not fade out over time. When various studies that supposedly indicate “fade out” are re-examined, taking into account methodological problems, and when experts examine a comprehensive set of measures for children (rather than just IQ), Head Start children clearly demonstrate that they have obtained lasting educational benefits from the program.
- Reality:** Head Start works because Head Start children experience long-term educational, social, and economic benefits.⁴⁸ Rigorous and reliable research demonstrates that, across time, Head Start children are *less* likely to repeat a grade or receive special education services, and are *more* likely to complete school. “Evidence” used to support the supposed “fade-out” claim is, in fact, due to methodology problems inherent in the study design. “Fade-out” is a myth.
- Reality:** According to a recent University of California at Los Angeles (UCLA) study of a national sample of eighth-grade children, the schools subsequently attended by African American Head Start children were systematically worse than those attended by other children. Thus, “fade-out” in the positive effects of Head Start on test scores of this particular group of children may be due not to deficiencies in Head Start, but to deficiencies in the schools some Head Start children go on to attend.
- Reality:** Head Start is one of the most researched and evaluated early childhood programs in America. These studies conclude that Head Start works. According to the latest study, Family and Child Experiences Survey (FACES), Head Start is providing America’s poorest children what it promises — a head start in preparing them for school. The data show that:
- ✓ the program narrows the gap between disadvantaged children and all children in vocabulary and writing skills;
 - ✓ Head Start children are leaving the program ready to learn; and
 - ✓ once in kindergarten, Head Start graduates make substantial progress in word knowledge, letter recognition, math skills, and writing skills, relative to national averages.
- Myth #5: Head Start does not provide states with flexibility.**
- Reality:** The Head Start program is flexible. While Head Start is guided by national performance standards, each community enjoys flexibility in how best to meet the local needs of children and their families. Many communities work with local school districts to coordinate programs and provide wrap-around child care. Over 30 states allow teachers in child care centers to begin working with children without receiving any training in early childhood development. Therefore, ensuring quality should not take a back-seat to creating flexibility.

Myth #6: Block granting Head Start to the states will better prepare children to succeed in school, and the Administration's budget proposal would improve pre-school instruction, in general, and Head Start, in particular.

Reality: A blind block-granting of Head Start to the states would break our promise to the nation's at-risk children by removing any assurances that they will receive high-quality, comprehensive early education and care. By block-granting the money to states, you block out guaranteed services for the nation's most vulnerable children. We should be guaranteeing our children more and better services, not less.

Reality: If the Bush Administration really wants to raise the bar for early learning, then it would allocate additional resources to the states to adequately fund Head Start and meet the early needs of all young children, and call on states to bring the quality of their pre-k programs to a level that matches the comprehensive approach of Head Start. Raiding the Head Start program in an effort to raise the bar for early learning will not improve pre-school education for the 92 percent of kids entering kindergarten who are not enrolled in Head Start, but would very likely dilute services received by current Head Start children.

Myth #7: The Head Start program is not working; therefore, it should be dismantled.

Reality: The Head Start program is working and Congress should build upon the program's successes. Head Start has demonstrated its success in preparing children for school and these effects are long-lasting. Head Start has been subject to rigorous Congressional scrutiny and academic evaluations throughout its history. If the President wants to allocate resources to the states to expand access to pre-k, he should do so, but raiding Head Start or diluting Head Start services to eligible children is not the answer.



Endnotes

- ⁴⁸ While children who begin pre-school at age four or older may experience increases in their IQ that slowly fade-out after they leave pre-school, it is a pattern that holds true whether the child is in Head Start or another pre-school setting. W.S. Barnett, "The Battle Over Head Start: What Research Shows," presentation at a Science and Public Policy Briefing sponsored by the Federation of Behavioral, Psychological, and Cognitive Sciences, September 13, 2002; E. Garces, D. Thomas, and J. Currie, "Longer-Term Effects of Head Start," *The American Economic Review*, September 2002.

Senate Democrats are Committed to Improving Head Start Assessments

On October 29, 2003, the Senate Health, Education, Labor and Pensions (HELP) Committee approved legislation by a vote of 21 to 0 to reauthorize Head Start. The Senate version enables more poor children to get a head start; strengthens the Head Start workforce; enhances Head Start coordination and collaboration; helps improve outcomes for children; strengthens the academic portion of Head Start; and enhances the accountability of Head Start programs. One of the most controversial proposals — assessment of young children — deserves further attention and analysis because accountability for program performance is crucial, but the role of assessments in that context is a difficult one.

Background

Measuring what and how well students learn is an important building block in the process of adequately preparing young children for school. Over a year ago, the Administration began developing a national child assessment for Head Start, called the National Reporting System (NRS) — a test every four year-old participating in Head Start must take twice a year. The NRS assessment is not mentioned in the Senate bill, yet it has potentially major repercussions for Head Start — at best, strengthening programs by improving the way teachers teach; at worst, leading to de-funding of high-quality programs, and excluding some of our neediest children. More expert guidance on and review of the development, implementation, and uses of this major new initiative are warranted.

Currently, children in Head Start are assessed three times a year on all of the domains of early learning and development, including literacy and math. The NRS is an assessment developed by the Department of Health and Human Services (HHS), which creates an additional test for all four year-olds in Head Start (roughly 500,000 children) on literacy and math skills only. Rather than the traditional “observational assessment” used by current Head Start programs, the NRS is a one-on-one question and answer test for each child. Children are assessed twice a year and, according to Administration documents, changes in children’s scores would be used to judge the success of individual Head Start programs. The new testing program is expected to cost about \$20 million each year. Pilot testing was begun in April and May of 2003 and HHS began to fully implement this assessment for every four year-old in the fall of 2003.

Top Ten Concerns

1. **The NRS was developed and implemented too quickly, compromising quality.** Assessing young children is extremely difficult and requires carefully crafted assessments. Young children are not used to taking tests and often do not have the emotional maturity to sit still and focus on the task at hand. Their test scores tend to fluctuate across time and can reflect many factors unrelated to their skills (their mood, whether they sleep enough the night before a test, their susceptibility to distraction depending on the test location, their ability to respond to questions posed by a stranger, etc.).

The NRS assessment was developed and implemented within a year; by contrast, the time frame for the development of tests under the NCLB is three to four years. As a result of the Department’s haste, the quality of this testing system is suspect.

Hundreds of experts have concerns about the foundations of the assessment, including its validity, reliability, and fairness. Earlier this year, over 200 researchers in early childhood development and assessment signed a letter to Congress expressing significant reservations about the NRS, and the rush to put an assessment system in place in six to eight months.

2. **More time is critical to develop and pilot the assessment in an appropriate way.** Academic experts and Head Start staff alike are requesting a more scientific, thoughtful approach to the development of this assessment — one that includes some Congressional oversight. The National Academy of Sciences (NAS) report, “Eager to Learn: Educating Our Preschoolers,” made it clear that more research on assessing young children is needed before such assessments should be used for accountability purposes. Because of this, it is crucial that the assessment instruments to be used in the NRS are properly validated and deemed to be appropriate for four year-old children. At this point, we simply do not know that this is the case.

3. **The assessment has been developed and implemented in secrecy.** This process has been surrounded by a cloud of secrecy. An assessment of this magnitude and importance must be developed and implemented with great care and openness. An independent body, such as the NAS, should examine how to appropriately assess young children. We know that good and useful assessments can be developed, even for young children, but they must be developed carefully and appropriately if they are to be used to help individuals understand, and not create, educational problems.

The process of developing assessment instruments should involve consultation with the public and experts in early childhood development and research methodology. Although HHS claims that they have had many meetings with “experts,” there is little or no information publicly available that clarifies what went on at these meetings, what decisions were reached, and whether the advice of the experts was or was not heeded in developing the NRS. This process must be more open and public.

4. **How the data will be analyzed and used is unclear.** The Administration has been inconsistent in its statements about the use of the data, at times saying it’s for program improvement and accountability and at other times saying it’s for measuring individual child progress. Because results from this assessment could lead to de-funding programs, the assessment has the features of a high-stakes test — putting test pressures on young children and negatively impacting the way they view themselves and their ability to learn and achieve. In addition, linking test results to grantees’ award amounts would create a disincentive to serving those children who most need Head Start. The Administration needs to be explicit about its intentions on uses of the data.

5. **Expert reviews and pilot testing have been inadequate.** The Administration claims there has been appropriate expert review and pilot testing of the NRS. The process has not been responsive to expert and public concerns, leading to concerns about the adequacy of the review. Since the assessment has been made public, many experts in early childhood education and assessment have raised concerns about the test. Supposed feedback periods overlapped with the data collection and analysis phase of the pilot study, making feedback uninformed.

The Erikson Institute, a prestigious Chicago graduate school specializing in child development, surveyed national leaders in the early childhood field about the best way to measure achievement in preschoolers. In this survey, standardized testing (the method utilized by the NRS) was ranked tenth. Clearly, these experts do not view the methodology used by the NRS as optimal.



6. **The assessment is not balanced.** The current NRS assessment is narrowly focused on literacy, language, and mathematics skills. Head Start is a comprehensive program that addresses child development through a whole-child approach, including social, emotional, physical, and cognitive development. The NRS at this time does not reflect development of the whole child. The assessment targets only a few of the skills that Head Start seeks to instill in children. For example, social skills are not being assessed; without them, children are simply not ready to learn.
7. **The assessment may not be valid and reliable.** Many questions surround the scientific soundness of the test. For example, the early math scale was adapted from a test for kindergartners rather than from a test known to be valid for preschoolers. As another example, sections of the Spanish-version assessment have extremely low predictive validity. Many individuals have expressed concerns about the scientific soundness of the training for test givers. The NRS uses a “train-the-trainer” approach, which means that a relatively small number of Head Start staff nationwide receive training and then they are expected to return to their states and train the vast majority of test-givers. This is especially questionable since Head Start staff varies greatly in terms of education and ethnicity in ways that may lead to testing inconsistencies.

Sufficient time must be taken to ensure that English language learners are not placed at a disadvantage by having to take a test that is inappropriate for them. The test is currently available in English and Spanish, yet many Head Start children speak Asian or other languages. In addition, some Native American Head Start directors are concerned that the NRS, in its current form, is not appropriate for their students, who often do not speak English in the home. Many Head Start directors question the appropriateness of these tests for children with developmental delays, speech and language delays, or other disabilities. We should take time to ensure that the assessment tool ultimately used is valid and reliable; assesses the gamut of skills that children acquire in Head Start; and is appropriate for children from a wide variety of cultural backgrounds.

8. **The assessment could be culturally-biased and unfair.** Many reviewers feel the assessment is not fair to children from diverse cultural and geographic backgrounds. For example, one question asks children to identify a swamp from a set of four drawings. Yet, how many children living in an inner city or on an arid Indian reservation have ever seen or experienced a swamp? Another question asks a four year-old in Head Start to distinguish between a vase and a decanter.
9. **This year’s assessment will not measure progress across the full year.** The Administration has had to extend the deadline for receipt of fall data because it was unable to get testing materials to programs in a timely way. As a result, some children were not tested until November, so their progress from August and September through November has been missed. Teachers and directors have been upset about this situation, wanting to ensure fair measuring of children’s progress.
10. **The assessment fails to include observations and teacher and parent input.** The way data are measured is too narrow since it only includes a direct (face-to-face) child assessment. Direct assessments are useful, but they do not capture the full progress of the child at the preschool age. Multiple methods of data collection should be used for high-quality and accurate assessments, in which the NRS does not yet engage.

While the Senate bill is silent on the NRS — it does not mandate its use in determining program quality or in de-funding decisions — given the Administration's investment in this assessment and plans for the future, Congress must ensure that this assessment is not fully implemented until the test can be shown to be a reliable and appropriate measure, and be administered in a fair and even-handed manner.



8

Issues in Elementary and Secondary Education

Block Grants for Federal Education Funding

What are Block Grants?

Historically, a top item on the Republicans' agenda has been a proposal to consolidate dozens of federal education programs into one large block grant — essentially a blank check — to be provided to states. Block grants contain no meaningful accountability measures and do not demand results. This type of proposal would prevent the federal government from ensuring that many successful and important programs continue to be funded. Block grant programs would undermine or jeopardize the existence of every program included in the block grants. These programs could include important and successful initiatives such as Title I assistance for low-income, at-risk students, Safe and Drug-Free Schools, teacher training, and educational technology.

While states and localities appreciate the opportunity to appropriate federal dollars in ways that meet local needs, turning federally managed funding into a block grant seems to lead to fewer dollars and services. Over time, Congress loses interest in funding that some other level of government controls. Or, Members retain interest by adding new strings and requirements to block grants, limiting the flexibility that was the enticement in the first place. Often Congress cuts funding and reduces local control at the same time.⁴⁹

Creating new block grant programs as many Republicans propose, would abolish guaranteed funding targeted to the neediest students. Senate Democrats are committed to enhancing and investing in education programs including Title I, Safe and Drug-Free Schools, teacher training, and educational technology.

Endnotes

⁴⁹ Margy Waller. "Block-Grant Mania: A Way to Cut Aid to the Working Poor?" *Philadelphia Daily News*, July 28, 2003.



Private School Vouchers

What are private school vouchers?

Private school vouchers are vehicles that allow the use of public tax dollars to subsidize a student's education at a private school. Voucher proposals usually specify the amount of the voucher (\$2,250 for each student each year, the state average school expenditure), who is eligible (public school students, current private school students, low-income students), and which schools may redeem vouchers (nonsectarian or religious schools, new schools, or existing schools).

Brief history. Vouchers are in place in Milwaukee, Cleveland, and Florida, creating a two-tiered system that holds students in public and private schools to different standards. Now, the District of Columbia will run a federally-funded private school voucher program that will not be held to the same standards or use the same system of accountability as public schools that receive federal resources.

Teachers, parents, and the general public have long been opposed to private school tuition vouchers — especially when funds for vouchers compete with funds for overall improvements in America's public schools. Since 1972, voters have rejected vouchers every time they have been proposed.

In June 2002, the Supreme Court upheld the constitutionality of the Cleveland school voucher program in a contentious 5 to 4 decision. President Bush has characterized the decision as a "great victory" for vouchers. During his trip to Cleveland in early July, the President stated that "one of my jobs is to make sure we continue to insist upon reform, to take this court decision and encourage others to make the same decision at the local level."

The *Fiscal Year 2004 Omnibus Appropriations* bill includes special federal payments for several education initiatives including \$13 million for a private school voucher program, which was opposed by the District's only Member of Congress, the majority of the members of the District of Columbia (DC) City Council, and elected members of the DC School Board. The bill became law on January 23, 2004.

Specifically, the vouchers Congress considered will be used to send up to 1,700 students to private schools located in DC. While state-funded voucher programs are operating in Cleveland, Milwaukee, and Florida, the implementation of a private school voucher program in DC represents the first time federal public tax dollars would be used to subsidize a student's education at a private school. Proponents clearly do not intend to limit their efforts to the District of Columbia. Their objective is to advance a broader voucher agenda, jeopardizing public schools across the country.

Republican agenda. The President's Fiscal Year 2003 budget request included \$4 billion over the next five years for two new private school voucher initiatives — a demonstration program and a refundable tuition tax credit — and virtually no increase for public school reform. Vouchers simply are not the answer to education reform and a bipartisan majority in the Senate agrees we need to focus on other reform measures. During the debate on the *Elementary and Secondary Education Act (ESEA)* reauthorization, the Senate rejected Senator Gregg's amendment to create a \$50 million private school voucher program by a vote of 41 to 58.

Democratic agenda. Senate Democrats have been leaders in the fight to improve public schools, and oppose alternatives that divert attention, energy, and resources from efforts to

reduce class size, enhance teacher quality, and provide every student with books, computers, and safe and orderly schools. Democrats support public schools and public school choice, such as open enrollment and charter schools within public school systems. These proposals harness the positive forces of the free market without leaving some students behind.

However, most Democrats do not support using public dollars to fund vouchers for private schools. Vouchers create an escape hatch for a few students and direct public funds and attention away from the critical task of improving schools for all students. In addition, there is little evidence to suggest that voucher programs improve academic achievement.

A review of the facts shows that vouchers remain bad education policy and should continue to be rejected.

- X Private school vouchers drain public schools of scarce funding they need to reform.** Public tax dollars should be spent on public schools that educate 90 percent of the nation's children. We should be doing all we can to help improve public schools — not undermine them. In recent years, public schools have been showing significant gains in student achievement. Now is the time to invest in those gains and address the great needs that remain — not divert public funds to private schools.
- X Vouchers do not improve student achievement.** There is no solid evidence that students using vouchers for private schools show academic improvement. The official General Accounting Office (GAO) evaluations of the Milwaukee and Cleveland voucher programs have found little or no difference in voucher and public school students' performance. Independent research on publicly- and privately-funded voucher programs failed to show substantial academic gains for students in Cleveland, Dayton, DC, and New York.
- X Private school vouchers programs could exclude children.** There is no requirement in voucher proposals that schools receiving vouchers must accept and serve students with limited English proficiency, special education students, homeless students, or students with discipline problems. Scarce funds should be targeted to public schools, which can not and should not close their doors to students who pose a challenge.
- X Private school voucher proposals are in direct conflict with President Bush's and Congress's call for increased accountability for better academic results for children.** Vouchers undermine the very accountability standards that the President often touts under NCLB. Private schools that accept vouchers would not be held to the same standards as public schools, and thus would not be accountable for results. The new NCLB law demands accountability for better results from public schools. But Representative Boehner, testifying on the proposed DC voucher program before the House Government Reform Committee on June 24, 2003, indicated that private schools that accepted voucher students would *not* be held accountable under the NCLB or the *Individuals with Disabilities Education Act* (IDEA).
- X No private school students would be required to take annual tests in grades three through eight.** Public school students must. No private schools are held accountable when students fail. Public schools are held accountable. No private schools are required to see that every child is taught by a highly-qualified teacher. Public schools must. No private schools are required to provide parents with report cards on how well students are doing. Public schools must. Therefore, private schools that accept public vouchers would not be held to the same standards as public schools, and thus would not be accountable for results.



X Vouchers can be abused by promoting dubious schools and programs with no accountability and no consequences. In Florida, an Islamic private school that was recently named in a federal indictment for alleged terrorist connections recently received \$350,000 through a voucher program, and is able to keep those funds.

A review of the facts shows that vouchers remain bad education policy and should continue to be rejected. Senate Democrats understand that vouchers are one tool among many in the school reform toolbox and when used in isolation will have a detrimental impact on the education inequality that is paralyzing millions of minority children and leaving them behind. Senate Democrats are committed to ensuring that public schools have adequate resources to implement proven effective reforms in NCLB — not just in a few schools, but in all schools; not just for a few students, but for all students.

Charter Schools

What are charter schools?

Charter schools are independent public schools, designed and operated by educators, parents, community leaders, educational entrepreneurs and others, and granted a charter to operate independently from district and state rules. These institutions are sponsored by designated local or state educational organizations who monitor their quality and integrity, but allow them to operate free from most district and state regulations. Freed from micro-management, charter schools design and deliver programs tailored to educational excellence and community needs. Because charter schools are schools of choice, they are held to the highest level of accountability — consumer demand. In return for autonomy, charter schools must show results or face revocation of their charter.

According to Fiscal Year 2005 statistics from the Committee for Education Funding and Education Commission of the States, nearly 3,000 charter schools are operating in 40 states, Puerto Rico, and the District of Columbia, serving some 684,000 students. The Fiscal Year 2005 request is approximately \$320 million.

Charter schools are popular with Republicans but take a back-seat to their pet choice program: private school vouchers. Republicans often couch charter school initiatives in anti-public education rhetoric. They argue that charter schools are necessary to break the monopoly in public education. In the past, Republicans have proposed siphoning money from other education programs to support charter schools. In contrast, Democrats use charter schools as an opportunity to stimulate innovation within the public school system.

Charter Schools are One Way to Introduce Choice into the Public Education System

Charter schools can give teachers, administrators, and community members a chance to use local innovation to improve schools, and they can spur system-wide improvement. Unlike private schools, charter schools are public schools open to all students, and are held accountable for results. Senate Democrats have worked in a bipartisan fashion to expand the number of charter schools.





Privatization in Education

What is privatization in education?

The term “privatization” typically refers to shifting the delivery of services performed by public employees to private businesses. Privatization often occurs in the form of contracting out (also called “outsourcing”), by which public organizations enter into contracts with private companies for the delivery of services. Instead of further investing in public schools, unfortunately, some school districts have been contracting out various education support services (particularly in transportation, maintenance, custodial, and food services) for decades; however, privatization remains the exception rather than the rule, and that is increasing slowly, if at all.⁵⁰

Public education has seen growth in private sector involvement on several other fronts: an “education industry” has emerged and is composed of private companies that take over administrative and teaching functions for entire schools or school districts; the growth of corporate commercial activities within public schools including sales, advertising, and market research activities has increased; and a persistent voucher movement has arisen, threatening to drain resources from public schools to subsidize private schools. These forces, combined with support services contracting, represent an attempted private sector takeover of the public education system.⁵¹

Privatization is the wrong path toward education reform. Edison Schools — the nation’s first and largest for-profit school management company that manages 130 public schools nationwide⁵² — has faced its share of financial and political challenges. The company recently settled a regulatory complaint over its accounting, and was sued by its shareholders. A political battle in Philadelphia cut in half the number of schools Edison was hired to manage in that city. In response, its stock plunged. A special committee of Edison’s outside directors has been weighing a proposal to buy the company and take it private — an indication that Edison is unlikely to regain the confidence of public investors in the near future. For Edison and other similar companies, power to promote change could diminish.⁵³

Senate Democrats are committed to ensuring that public schools have adequate resources to implement effective reforms in the *No Child Left Behind Act*, rather than invest in risky business ventures that could leave a number of children behind.

Endnotes

⁵⁰ <http://www.nea.org/privatization>.

⁵¹ <http://www.nea.org/privatization>.

⁵² Hannah Gladfelter Rubin. “Florida Plan to Buy Edison with Pension Funds Riles Unions,” *Education Daily*, October 8, 2003.

⁵³ Henriques, Diana B. “Edison Stays Afloat by Altering Course,” *The New York Times*, July 3, 2003, www.nytimes.com.

No Child Left Behind Act (NCLB) Implementation

States and local communities are struggling with the worst budget shortfalls since World War II, and, as a result, many have cut back on instruction time or laid off quality teachers and school staff. Parents and students are holding bake sales and auctions to save teaching jobs, music, art, and other student activities. Public schools could fail to meet the strict demands of the new federal education law if vital school services continue to be cut across the country. Senate Democrats believe this gap must be bridged by increasing federal aid to the states and public awareness of the school funding crisis.

As state leaders are charged with the responsibility of providing a quality education to our public education students, states need additional assistance in managing new federal mandates and requirements for education.

States have worked to implement the complex, sweeping, and well-intentioned NCLB legislation and many remain with the impression that NCLB and its accompanying rules contain expectations that create difficulties in providing quality educational services in most states.

As states have worked to implement NCLB, many critical issues have surfaced that will limit their capacity to make the best educational decisions for students and their families including: 1) mandates for highly-qualified teachers; 2) minimum budget levels for state administration; 3) accountability provisions based on insufficient or inadequate data; 4) data management requirements; and 5) corrective action.

Without collective determination to address these problems from both the state and federal levels, most states will continue to experience difficulties in these crucial stages of implementation.



9

Key Issues in Higher Education

Low-cost Lending for Students

College loans are an important part of college financial aid packages. However, the burden of too much debt can be a disincentive to go to college. Nationally, average student indebtedness is \$17,000, and reaches over \$100,000 for graduate and professional students. Almost 90 percent of Pell grant recipients who completed a bachelor's degree in 2000–2001 graduated with student loan debt as well. And an increasing proportion of student financial aid is being made available in the form of loans rather than grants. For example, in 2002, 60 percent of federal student aid was provided in loans and only 40 percent was provided in grants, a reversal of the distribution 20 years ago.

Many Senate Democrats are committed to providing cheaper college loans, limiting student loan debt burden, creating a new student loan refinancing option for those now repaying their student loans, saving the federal government money in the Direct Loan program, and passing a portion of these savings on to low-income students. (The *College Quality, Affordability, and Diversity and Improvement Act of 2003* bill summary, Senator Kennedy's Education Committee, November 2003.)

Affordability

Universal concerns about the cost of higher education are prevalent. When Americans are asked about a number of problems facing the education system and the students moving through it, the cost of higher education tops the list. According to a Jobs for the Future survey, over eight in ten (or 84 percent) say “the cost of a college education being too expensive for many students and families” is a major problem facing our nation's education system today.⁵⁴

During the decade from 1982–1983 to 1992–1993, inflation-adjusted tuition and fees at both public and private four-year institutions increased by about 55 percent, significantly outpacing the 12 percent real growth in median income for families likely to have college-aged children, and aid per full-time equivalent (FTE) student, increased by 27 percent. Despite even slower growth, the trends in the decade since 1992–1993 have been more favorable, with tuition and fees rising less than 40 percent and aid per FTE more than doubling in constant dollars. Loans were the fastest growing component of student aid, but the 67 percent real increase in grant aid per student diminished the college affordability gap to some extent. Financial barriers to college enrollment remain a significant issue for low-income families and students.⁵⁵

Access

According to the Jobs for the Future survey, nearly 64 percent of respondents say lower-income students not having access to a college education is a major problem.



Recognizing that more education is better for individuals and society, the U.S. higher education system has focused on increasing access to college. Increasing financial aid and providing additional information and support could increase access to higher education for the neediest high school students.⁵⁶

The American Council on Education (ACE) in its annual “Status Report on Minorities in Higher Education,” released in October 2003, found that more than twice as many minorities are enrolled in colleges and universities than 20 years ago, but a gap has opened in enrollment levels between minorities and non-minorities during that time. In addition, a study released by the Education Committee of the States (ECS) suggests that a smaller proportion of the population will have access to a college education in this decade, and that states will be less able to protect college access because of demographic and economic factors.⁵⁷

Attainment

While access (getting into college) is critical, it is not sufficient because it does not guarantee degree attainment (completion). Large gaps in degree attainment exist across most of our most underserved populations, and have significant costs. These gaps in attainment are caused by failures at critical points along the higher education pipeline. Targeted investments along the higher education pipeline over the next decade will help close the attainment gap and provide significant social and economic benefits. Senate Democrats are committed to increasing rates of attainment, particularly for the most underserved groups.

Teacher Preparation and Quality

With a looming teacher shortage, more must be done to prepare more people to teach, and teach well. Senate Democrats are committed to expanding and strengthening teacher training programs to help teacher preparation institutions feed more qualified teachers into the classrooms, helping states and school districts meet the goal outlined in the NCLB of ensuring a highly-qualified teacher in every classroom.⁵⁸

Currently, the Teacher Quality Enhancement Grants program (Title II of the *Higher Education Act* or HEA) authorizes three types of competitively awarded grants — state grants, partnership grants, and recruitment grants — funded at only \$90 million per year. Since the early 1990s, the annual number of teachers who have left the field has been greater than the number of entrants. Approximately one-third of America’s teachers leave teaching during their first three years and the overall turnover rate for teachers in high-poverty areas is almost a third higher than it is for teachers in all schools. Many Senate Democrats are fighting to move Title II of HEA beyond a “pilot” stage and to bring funding to every state, every year, to help ensure there is a qualified teacher in every classroom.⁵⁹

Endnotes

- ⁵⁴ Jobs for the Future. *Leaks in the Postsecondary Pipeline: A Survey of Americans*. Commissioned by Jobs for the Future; conducted by Lake Snell Perry & Associates, Inc, 2003, www.jff.org/jff/kc/library/0206.
- ⁵⁵ The College Board. *2003 Trends in Student Aid*.
- ⁵⁶ Jobs for the Future. *Leaks in the Postsecondary Pipeline: A Survey of Americans*. Commissioned by Jobs for the Future; conducted by Lake Snell Perry & Associates, Inc, 2003, www.jff.org/jff/kc/library/0206.

- ⁵⁷ Hammer, Ben, “College Becoming Less Accessible for Underserved Groups, Studies Find,” *Black Issues in Higher Education*, November 6, 2003.
- ⁵⁸ The *College Quality, Affordability, and Diversity and Improvement Act of 2003* bill summary, Senator Kennedy’s Education Committee, November 2003.
- ⁵⁹ The *College Quality, Affordability, and Diversity and Improvement Act of 2003* bill summary, Senator Kennedy’s Education Committee, November 2003.





Affirmative Action

The historic efforts by American institutions to implement racial and gender diversity are facing serious challenges. A broad national consensus agrees that practical steps are necessary to achieve a fair and diverse society; however, many groups differ on the means to achieve this state. Exploiting these differences, a movement has formed that opposes the goals of diversity and the means of achieving it.

The major institutions of society, notably business, government, and higher education, have given substance to the national consensus to redress racial and gender imbalances. These institutions have led the way in implementing the necessary practical steps to achieve diversity. One of these steps, affirmative action, arose as a bipartisan, mainstream compromise solution.

These steps have been opposed, however, by many who have resisted every advance in civil rights over the previous decades. After an initial period of legal uncertainty, the U.S. Supreme Court ruled in the *Bakke v. Regents of University of California* (1978) decision that the consideration of race as a factor in university admissions is constitutional. This case and other decisions created the legal freedom for universities and corporations to define for themselves the best means for achieving and capitalizing on the benefits of diversity — including the highly-educated and diverse workforce that businesses need to stay competitive.

Unfortunately, opponents of affirmative action seek to undermine the mainstream policy consensus around diversity programs and the ability of major American institutions to support them. As a result, many of these programs are under attack. Those behind this attack fit into a larger constellation of political movements and sophisticated private organizations that have emerged to elevate and define the notion of individual rights in such a way as to challenge the rights of judicially definable classes of people. Their campaign is a concerted, multi-faceted effort that incorporates legal, political, and electoral strategies.

The widespread implementation of diversity programs has led to important corrections in racial and gender imbalances throughout society. Inevitably, affirmative action has, in some situations, been applied inappropriately or inadequately, similar to other public policy. But opponents of diversity have seized on these anomalies, and effectively deployed them as symbols of a supposedly failed policy — placing advocates of the idea of racial and gender equality on the defensive. Ironically, the opponents of affirmative action have been able to deftly utilize the civil rights vocabulary of opposition to discrimination to undermine the moral as well as the legal and constitutional underpinnings of institutional remedies.

Remaining cognizant of affirmative action foes and repeated attempts to undermine diversity initiatives, Senate Democrats stand ready to defend diversity initiatives using the tools of democracy. Expanding upon the recent U.S. Supreme Court decision, *Grutter v. Bollinger* (2003), that a multi-racial and multi-ethnic environment in our educational institutions is necessary to ensure a globally competitive economic position, national security, development of human rights and humanitarian efforts, and a healthy society overall, Senate Democrats remain committed to supporting legislation that ensures equal access to institutions of higher education.

Source: Institute for Democracy Studies briefing paper, *Behind the Challenges to Racial and Gender Remedies: The Assault on Diversity*, December 1999.

Reauthorization of the *Higher Education Act of 1965*

The funding authorizations for programs in the *Higher Education Act of 1965* (HEA) will expire during the 108th Congress. This legislation, whose programs are administered by the U.S. Department of Education, authorizes the federal government's major student aid programs, as well as other significant programs such as those providing aid to special groups of higher education institutions and support services to enable disadvantaged students to complete secondary school and enter and complete college. Although important support from outside of the HEA flows to postsecondary education institutions through multiple federal agencies for activities such as research and development, the federal presence in postsecondary education is shaped to a significant degree by the HEA. The HEA was last reauthorized by the Higher Education Amendments of 1998 (P.L. 105–244).

Summary of the HEA

The HEA authorizes programs and activities most of which fall into four main categories: student financial aid, support services to help students complete high school and enter and succeed in postsecondary education, aid to strengthen institutions, and aid to improve K–12 teacher training at postsecondary institutions. ED's Fiscal Year 2002 appropriation legislation includes over \$14 billion for HEA discretionary authorities. This total excludes mandatory federal expenditures for the Federal Family Education Loans (FFELs) and Direct Loans (DLs) through which students and their parents are estimated to secure nearly \$38 billion in loans. Over two-thirds of the annual loan volume consists of capital provided by private lenders who receive federal subsidies and guarantees.

The HEA is comprised of seven titles:

| | |
|-----------|---|
| Title I | General Provisions |
| Title II | Teacher Quality Enhancement Grants |
| Title III | Institutional Aid |
| Title IV | Student Assistance |
| Title V | Developing Institutions |
| Title VI | International Education Programs |
| Title VII | Graduate and Postsecondary Improvement Programs |

In November 2003, Senator **Kennedy** introduced **S. 1793**, the *College Quality, Access and Diversity Improvement Act of 2003*, to reauthorize the *Higher Education Act*. With the cost of college soaring across the country, more and more low- and middle-income students are being priced out of college, at the very time when a college education is increasingly important in today's economy. Those with a bachelor's degree make 75 percent more than those without. Jobs requiring some form of postsecondary education are expected to account for over 40 percent of total job growth from 2000 to 2010. With increasing public school enrollment and the new standards for qualified teachers in the *No Child Left Behind Act*, we must clearly do more at the college level as well to train good teachers for the nation's public schools. (Letter from Senator Kennedy and others, November 10, 2003)

S. 1793 would help meet the needs of students, families, schools, and colleges in five key ways:

- ✓ Help students pay for college;
- ✓ Make college loans more affordable;



Education Sourcebook

- ✓ Make it easier to balance work and school;
- ✓ Enable more first generation students and minority students to go to college and stay in college; and
- ✓ Improve the training and recruitment of high-quality teachers for public schools.

(Letter from Senator Kennedy and others, November 10, 2003)

Senate Democrats are committed to enhancing higher education, recognizing that we must do more to help qualified students attend and finish college, and do more to help colleges train more and better teachers.



Sources: James B. Stedman of the *Congressional Research Service (CRS) Issue Brief – The Higher Education Act: Reauthorization Status and Issues*, updated March 12, 2004; and Senator Kennedy’s Education Committee, November 2003.

Special Education: *Individuals with Disabilities Education Act (IDEA)*

In 1975, the nation took a bold step to improve education for children with disabilities, a group whose needs had been woefully neglected. That year, Congress passed Public Law 94–142, a landmark federal law that eventually came to be known as the *Individuals with Disabilities Education Act* (IDEA). This legislation laid out the rights of children with disabilities to attend public schools, receive free services designed to meet their unique needs, and learn in regular education classrooms with non-disabled children to the greatest extent possible. The legislation also authorized federal funds to cover some of the costs of these special services. The Senate passed **S. 1248**, its version of the IDEA reauthorization bill on May 13, 2004 by a vote of 95 to 3.

Since IDEA's passage, children with disabilities have moved in massive numbers from institutions, home education, or no education to their neighborhood public schools. IDEA has been a major force behind this progress, but credit is also due to parents and educators and to a general change in people's attitude about children with disabilities. Legal protections of the IDEA catalyzed states and school districts to change their policies and classroom practices. Momentum also came from parents who pressed schools to follow the law when children with disabilities were not adequately served, and from the teachers and administrators who worked hard to make the law succeed with less federal funding than expected. Court decisions, the civil rights movement, and federal anti-poverty programs also helped to raise citizens' awareness about the rights of people with disabilities.

Key Challenges and Needs in Special Education

- ✓ **Academic preparation.** Students with disabilities achieve at significantly lower levels, on average, than their non-disabled peers. They are often held to lower expectations and are less likely than non-disabled students to participate in a full academic curriculum in high school.
- ✓ **Minority over-representation.** African American students are referred to special education at higher rates than their share of the overall population.
- ✓ **High school completion.** Only 55 percent of students with disabilities leave high school with a standard diploma, compared with three-fourths of the general student population. Young people with disabilities still drop out of high school at twice the rate of their peers.
- ✓ **Postsecondary education.** Young people with disabilities are less likely to pursue postsecondary education than non-disabled students, and those who start college are less likely to finish.
- ✓ **Low employment rates.** Young people with disabilities have less secure futures. Only 50 percent of working-age adults with disabilities were employed in 1997, compared with 84 percent of non-disabled adults.



- ✓ **Teacher shortages and needs.** Many school districts are struggling to fill shortages of special education teachers. Regular classroom teachers do not feel well-prepared to address the special needs of students with disabilities. Many special education teachers are overwhelmed by paperwork and time demands related to federal requirements.
- ✓ **Technology.** Many students with disabilities who could benefit from assistive technologies do not have access to them. And barriers such as inadequate teacher training impede students with disabilities from using Internet technologies.

Source: American Youth Policy Forum and Center on Education Policy, *Twenty-Five Years of Educating Children with Disabilities – The Good News and the Work Ahead*, 2002.



Democratic Principles on the *Individuals with Disabilities Education Act (IDEA)*

Senate Democrats support legislation that ensures the civil right to a free and appropriate public education (FAPE) for all children with disabilities.

- ✓ Ensure full-funding to meet the long-standing promise of federal financial partnership in meeting the needs of children served under IDEA;
- ✓ Ensure full implementation of IDEA through effective compliance and enforcement of the law;
- ✓ Ensure that all children who need early intervention, preschool services, and/or special education and related services, receive them;
- ✓ Ensure that students with disabilities have the services, supports and instruction they need to meet high academic and competency-based standards;
- ✓ Ensure that all students with disabilities are served by highly-qualified teachers, and that all education personnel and related service providers are skilled in working with students with disabilities;
- ✓ Ensure that parents have the necessary tools and training to be active and effective partners in the educational success of children with disabilities;
- ✓ Ensure meaningful and efficient procedural safeguards under IDEA — with full access for all children with disabilities and their families;
- ✓ Support whole-school approaches and early intervening strategies in order to address the learning and behavior needs of children in a preventive and proactive way;
- ✓ Strengthen supports and services across the IDEA continuum, so that students with disabilities successfully transition from early childhood to school, and from school to employment and/or postsecondary educational opportunities;
- ✓ Ensure effective coordination of IDEA with other federal, state, and local programs that provide services and supports to children with disabilities and their families; and
- ✓ Ensure all technology in classrooms is accessible to students with disabilities and promote the effective use of technology to enhance student learning and reduce paperwork for teachers.

Source: Democratic staff of the Senate HELP Committee.

S. 1248, the Individuals with Disabilities Education Act of 2003

Major Provisions

Title I: Amendments to the *Individuals with Disabilities Education Act*

S. 1248 would make a number of small revisions and additions to the definitions of the law in Section 602, including the definition of a child with a disability aged three through nine, the definition of “core academic subject,” highly-qualified teachers, policy letters and regulations, state rule making, and a General Accounting Office (GAO) study on paperwork reduction.

In addition, Title I would make amendments to Part B of the IDEA relating to the funding formula; state level activities; risk pool; payor of last resort; subgrants to local educational agencies (LEAs); state eligibility; least restrictive environment; foreign adopted children; transition from Part C to preschool programs; private school students; children in out-of-state or out-of-district residential treatment or special education schools; obligations related to and methods of ensuring services; personnel standards; academic achievement and functional performance of children with disabilities; performance goals and indicators; participation in assessments; instructional materials for blind and print-disabled students; LEA eligibility; local flexibility; personnel development; permissive use of funds; charter schools; records regarding migratory children with disabilities; early intervening services; and elimination of school-based improvement plan.

Additional amendments to Part B under the bill would include: state agency flexibility; eligibility determinations and placements; parental consent; evaluations; reevaluations and exit evaluations; specific learning disabilities; Individualized Education Programs (IEPs) including streamlining, elimination of benchmarks and short-term objectives; IEP team and meetings; special factors; three-year IEPs; accommodations and alternate assessments; transition services; requirement that program be in effect; children with degenerative diseases; procedural safeguards; right to present complaints; notice of complaint; procedural safeguards notice; mediation; qualifications of mediators; qualifications of hearing officers; timeline for requesting hearing and appeals; decision of hearing officer; parents representing their children in civil actions; provisions for administrative and judicial review; attorneys' fees; discipline; transfer of parental rights at age of majority; monitoring/technical assistance/enforcement; model paperwork forms; program information; and preschool grants.

Title I also would amend Part C of the IDEA by revising services and personnel; program eligibility and child find; transition from early intervention to preschool; state flexibility for seamless zero to five program; nature of early intervention services; interagency coordination; and payor of last resort.

In addition, Title I would also amend Part D of the IDEA by restructuring and reorganizing Subpart 1, “state personnel preparation and professional development grants;” Subpart 2, scientifically based research, technical assistance, model demonstration projects and dissemination of information, comprehensive plan, technical assistance and demonstration projects, personnel development, studies and evaluations, study on ensuring accountability for students with significant disabilities, and activities to address different learning styles; Subpart 3, supports to improve results for children with disabilities, parent training and information centers, technology development, demonstration, and utilization, media services, and accessibility of instructional materials; Subpart 4 interim alternative educational settings, behavioral supports, and whole school interventions.



Title II: Amendments to the *Rehabilitation Act of 1973*

To improve and expand the provision of vocational rehabilitation service to students with disabilities during their transition years, Title II of **S. 1248** would make certain amendments to the *Rehabilitation Act*. The bill adds definitions of the terms “student with a disability” and “students with disabilities” to clarify the meaning of the terms in the *Rehabilitation Act*. In an effort to improve planning and coordination, Section 203(a) of the bill would amend Section 101(a) (15) of the *Rehabilitation Act* to require states to address the needs of students with disabilities as a part of the states’ comprehensive statewide assessment of vocational rehabilitation needs and to describe the methods to be used to expand and improve services to students with disabilities, including the coordination of services designed to facilitate the transition of such students to postsecondary education or employment.

Section 203(b) of the bill would add a new paragraph to Section 101(a) of the *Rehabilitation Act* to require each state to assure that it has implemented the strategies developed as part of its assessment and planning process for expanded transition services. The bill would establish a trigger to target \$50 million for the expanded transition services beginning in the first year that the appropriation under section 100(b) exceeds the Fiscal Year 2004 appropriation by \$100 million. States would be required to use these targeted funds to carry out programs or activities to improve and expand services that facilitate student transition, improve the achievement of post-school goals, support training and technical assistance to personnel, support outreach activities, and provide vocational guidance, career exploration services, and job search skills to students with disabilities.

The bill indicates that students with disabilities served with targeted funds provided under new Section 110A of the *Rehabilitation Act* be subject to the “order of selection” requirement in Section 101(a)(5) as are other eligible individuals served with funds under Section 100(b). However, states would be expected to implement a separate order of selection based on the state agency’s ability to serve all eligible students with disabilities with the targeted funds available under Section 110A.

In a transition services expansion year, Section 204 would expand the authorized activities under the services to groups authority to also include the provision of training and technical assistance of LEA personnel and Vocational Rehabilitation (VR) state agency personnel responsible for the planning and provision of services to students with disabilities.

Section 204 would also authorize state VR agencies to provide services to groups of IDEA and “504 students” to assist them in their transition from school to post-school activities. The new provision would allow the state agency to provide group services for these students without having to determine their eligibility under Section 102(a).

Section 205 of the bill would amend the program’s evaluation standards and performance indicators in Section 106 of the *Rehabilitation Act* to require that they include measures of the program’s performance with respect to the transition to post-school activities, and the achievement of the post-school goal, of students with disabilities served under the program.

Title III: National Center for Special Education Research

S. 1248 would move research authority on special education issues from the Office of Special Education Programs (OSEP) to the Institute of Education Sciences (IES) and establish a specific center just for special education research, specifically the National Center for Special Education Research. The bill would further stipulate that the Special Education Research Center be headed by a Commissioner who has a high level of experience in the fields of research and the education of children with disabilities, and require the Commissioner to collaborate with the Assistant Secretary for Special Education and Rehabilitative Services in developing a research plan.

S.1248 would also require the Secretary of Education to take the appropriate steps necessary to ensure an orderly transition of special education research from OSEP to IES and to continue research awards that were made under OSEP prior to the new law going into effect in order to ensure that existing research grants would not be adversely impacted by the transition.

Title IV: Commission on Universal Design and the Accessibility of Curriculum and Instructional Materials

This title would establish a commission to study, evaluate, and make appropriate recommendations to the Congress and the Secretary on universal design and accessibility of curriculum and instructional materials and outlines the purpose of the commission.

Legislative History and Committee Action

The Committee considered **S. 1248** on June 25, 2003. Senator Gregg, Chairman of the Committee on Health, Education, Labor, and Pensions, and Senator **Kennedy**, the Ranking Member of the committee, offered one amendment in the nature of a substitute.

House Action

The House passed H.R. 1350 on April 30, 2003 by a vote of 251 to 171. H.R. 1350 contains several contentious measures. H.R. 1350 would make significant changes in the manner in which children with disabilities who violate a disciplinary rule are treated. Generally, under current law, a child with a disability is not immune from disciplinary procedures; however, these procedures are not identical to those for children without disabilities. If a child with a disability commits an action that would be subject to discipline, school personnel have several options including: a suspension for up to ten days; placement in an interim alternative educational setting for up to 45 days for situations involving weapons or drugs; asking a hearing officer to order a child placed in an interim alternative educational setting for up to 45 days if it is demonstrated that the child is substantially likely to injure himself or herself in his or her current placement; and conducting a manifestation determination review to determine whether a link exists between the child's disability and the misbehavior. If the child's behavior is not a manifestation of a disability, long-term disciplinary action such as expulsion may occur, except that educational services may not cease. Among other contentious issues, H.R. 1350 would keep the ability of school personnel to suspend a child with a disability for up to ten school days, but would delete many of the other provisions.

Senate Action

The Senate passed **S. 1248** on May 13, 2004 by a vote of 95 to 3.

Highlights

S. 1248 would increase accountability and improve education results by:

- ✓ Emphasizing the goal of improving academic achievement and functional performance within a child's individualized education program (IEP);
- ✓ Ensuring that states include students with disabilities who take alternate assessments in their state *No Child Left Behind Act* accountability systems;
- ✓ Providing \$3 million for a national study of valid and reliable alternate assessment systems and how alternate assessments align with state content standards;



- ✓ Ensuring that local educational agencies (LEAs) measure the performance of students with disabilities on state or district-wide assessments, including alternate assessments aligned to the state's academic content standards or extended standards; and
- ✓ Clarifying the IEP team's role in determining whether a child with a disability should take regular assessments with or without accommodations, or alternate assessments, consistent with state standards governing such determinations.

S. 1248 would enhance implementation, monitoring, and enforcement by:

- ✓ Providing the Secretary and the states with greater authority and new tools to implement, monitor, and enforce the law using performance data;
- ✓ Requiring states to meet compliance benchmarks in the delivery of a free and appropriate public education in the least restrictive environment; the delivery of transition services; the exercise of general supervisory authority; and the overrepresentation of racial and ethnic groups, as a measure of improving educational results and ensuring the civil rights of students with disabilities;
- ✓ Requiring the Secretary and the states to apply appropriate sanctions to address non-compliance with IDEA requirements;
- ✓ Ensuring that state regulations are consistent with the Act and that any state-imposed requirements or paperwork reporting are clearly identified to LEAs and the Secretary; and
- ✓ Ensuring that there will not be significant federal changes in the way the law is interpreted or implemented without the opportunity for states to react to or comment on such changes.

S. 1248 would improve parental involvement by:

- ✓ Providing new opportunities for parents and schools to address concerns before the need for a due process hearing;
- ✓ Providing flexibility for parents and schools by allowing them to agree to make minor changes to a child's IEP during the school year without reconvening the IEP team, and encouraging the consolidation of IEP and reevaluation meetings;
- ✓ Providing parents with greater opportunities for involvement in IEP meetings by allowing the use of teleconferencing, video conferencing, and other alternative means of participation;
- ✓ Requiring states and LEAs to adopt an Instructional Materials Accessibility Standard to ensure that students who are blind or print-disabled are provided with appropriate instructional materials in a timely manner.
- ✓ Clarifying that either the parent or the school may request an initial evaluation of a child to determine whether the child qualifies for IDEA services;
- ✓ Allowing parents and schools to agree that a student reevaluation is unnecessary, especially when the student is finishing high school;
- ✓ Encouraging parent and community training information centers (PTIs) to focus on improving parent-school collaboration and early, effective dispute resolution;

- ✓ Encouraging PTIs to use scientifically based practices and information in assisting parents, and to work collaboratively with the Regional Resources Centers; and
- ✓ Providing increased resources to support parents through dispute resolution and due process.

S. 1248 would support personnel by:

- ✓ Designating 100 percent of state program improvement grants to support preparation and professional development for teachers;
- ✓ Authorizing LEAs to flexibly use Part B funds to provide professional development for teachers, enabling them to deliver scientifically based academic instruction and behavioral interventions;
- ✓ Allowing states to use the increased state–activities funds to assist LEAs in meeting personnel shortages, and providing technical assistance and professional development to teachers;
- ✓ Requiring states and LEAs to ensure that all special education teachers are highly qualified by the 2006–2007 school year, and that measurable steps are being taken to ensure that all other personnel are highly–qualified;
- ✓ Allowing personnel who are excused from IEP meetings by the parent and school to participate by submitting input prior to the meeting; and
- ✓ Authorizing two new grant programs for enhanced support and training for special educators and training to support general educators, principals, and administrators.

S. 1248 would improve transition services by:

- ✓ Simplifying the rules for transition services (activities that help a student begin planning for life after high school) by requiring that transition services and planning begin at age 14;
- ✓ Providing an option to develop a three–year IEP for students ages 18 to 21, to focus parents and schools on long–term goals for helping the student transition to postsecondary activities;
- ✓ Amending Title I of the *Rehabilitation Act* to promote the involvement of the Vocational Rehabilitation system with students while still in secondary school;
- ✓ Facilitating transition to postsecondary activities by focusing exit evaluations on recommendations to assist the child in meeting postsecondary goals; and
- ✓ Maintaining a focus on transition services throughout personnel preparation programs.

S. 1248 would provide earlier access to services and supports by:

- ✓ Authorizing LEAs to use up to 15 percent of IDEA funds for the development of a comprehensive educational support system for students without disabilities in grades K–12 who require additional academic and behavioral supports to succeed in a general education environment;
- ✓ Ensuring that the IEP contains positive behavioral interventions and supports for a child whose behavior impedes the child’s learning, or that of others;



- ✓ Providing \$50 million to provide more behavioral supports in schools to improve the quality of interim alternative educational settings;
- ✓ Allowing for the development of new approaches to determine whether students have specific learning disabilities by clarifying that schools are not limited to using the IQ–achievement discrepancy model;
- ✓ Requiring that initial evaluations occur within 60 days of referral unless the state currently has a policy that establishes a timeline for evaluation; and
- ✓ Maintaining early intervention and preschool special education programs for infants, toddlers, and preschoolers with disabilities.

S. 1248 would resolve disputes equitably by:

- ✓ Clarifying that schools and parents have equal access to the due process system;
- ✓ Clarifying that parents and schools must provide detailed information about their complaints in order to more clearly understand the issues and to facilitate earlier and more effective resolution of disputes;
- ✓ Ensuring that both parents and schools can adequately prepare for due process hearings by not allowing parties to raise new issues at the due process hearing that were not included in their due process complaint notice, unless the other party agrees;
- ✓ Encouraging parents and schools to address concerns promptly by establishing a two-year timeline for filing a complaint, and a 90-day limit for filing appeals to court, unless state law provides for a different time frame;
- ✓ Requiring that hearing officers make decisions based upon whether or not the child received a free and appropriate public education, and not on procedural violations alone;
- ✓ Establishing standards for the training of hearing officers and requiring that hearing officers may not have a personal or professional interest that would conflict with their objectivity in the hearing; and
- ✓ Strengthening accountability by clarifying that hearing officer decisions, as well as agreements made through dispute resolution, are enforceable.

S. 1248 would reduce paperwork by:

- ✓ Streamlining state and local requirements to ensure that paperwork focuses on improved educational results for children with disabilities;
- ✓ Requiring the Secretary to develop model forms for the IEP, prior written notice, and procedural safeguards notice;
- ✓ Requiring the Secretary to review current federal paperwork requirements and report to Congress strategic proposals to reduce the paperwork burden on teachers;
- ✓ Changing the number of times that procedural safeguards notices must be sent out to parents to no more than once per year, unless the parent registers a complaint or requests a copy; and
- ✓ Clarifying that no additional information is required in a child's IEP beyond what federal law requires.

S. 1248 would increase flexibility and local control by:

- ✓ Authorizing LEAs that are in compliance with the IDEA to use up to eight percent of the federal funds that they receive every year as local funds and up to 25 percent of all federal funds once full-funding is achieved. This funding would be available for use by LEAs for local priorities; and
- ✓ Authorizing states that provide 80 percent or more of the share of non-federal resources to fund special education and who are in compliance with the IDEA to use federal funds for purposes of the *Elementary and Secondary Education Act* and needs-based higher education programs.

S. 1248 would reform special education finance and funding by:

- ✓ Simplifying funding streams for IDEA Part B grants to states and LEAs, including funding for state administration, other state-level activities, LEA and charter school risk pool funds, LEA grants, flexibility authority making future years' funding levels and amounts available more predictable;
- ✓ Providing new resources to assist LEAs and charter schools that are LEAs in addressing the needs of high-need children and the unanticipated enrollment of students with disabilities by establishing a risk pool fund to assist in meeting the needs of these students;
- ✓ Capping the amount for administrative overhead at the Fiscal Year 2003 level while authorizing states to retain an increased portion for other required state-level activities — this amount would also be capped after two years; and
- ✓ Clarifying that funds re-designated as local pursuant to the flexibility provisions can be used to provide non-federal matching funds for purposes of applying for federal reimbursement of allowable costs for special education related services under Title XIX of the *Social Security Act* (Medicaid).



Senate Democrats are Committed to Providing Promised Resources for IDEA

The *Individuals with Disabilities Education Act* (IDEA), the law governing “special education,” is up for reauthorization this year. The IDEA seeks to ensure that all children with disabilities receive the education they deserve and that teachers and administrators receive the support they need to make that happen.

While special education funding has increased over the last several years, current spending does not come close to the level Congress committed to paying when the Act was first adopted in 1975. At that time, Congress set a goal of paying 40 percent of the cost of providing special education services. After 29 years, we are still less than halfway there. Each year, IDEA must compete with other programs for funding, and each year, the federal government fails to meet its commitment. The best way to ensure that Congress meets this commitment is to provide mandatory funding for IDEA.

A real commitment to children with disabilities and educators means real money, not promises that never materialize. For this reason, providing mandatory full-funding of IDEA has bipartisan support. But some want to add requirements to IDEA without ensuring that the resources will be there to implement them. Opponents are also distorting the implications of mandatory full-funding by claiming that if such a measure were enacted, it would prevent Congress from improving the law, if needed. There is no basis for this claim. Many statutes with mandatory funding are reviewed and revised regularly. IDEA with mandatory full-funding would continue to be subject to reauthorization, at which time Congress would have the opportunity to make any necessary reforms.

The Long Quest for Mandatory Full-Funding

In the early 1970s, two landmark federal district court cases, *PARC v. Commonwealth of Pennsylvania*, 334 F.Supp. 1247 (E.D.Pa. 1971) and *Mills v. Board of Education of the District of Columbia*, 348 F.Supp. 866 (D.D.C. 1972), established that children with disabilities have a right to a free, appropriate public education. In 1975, in response to these cases and other cases filed by the many children with disabilities who were not being educated appropriately, Congress enacted the *Education For All Handicapped Children Act* (EAHCA), the precursor to the IDEA, to help states meet their constitutional obligations.

The original EAHCA authorized the federal government to pay 40 percent of the cost of providing special education services. The federal share of that cost — known as the “full-funding” amount — was determined to be 40 percent of the national average per-pupil expenditure (APPE) times the number of children served. The EAHCA recommended phasing in full-funding over five years, reaching the 40 percent level in 1980. In describing that formula, Representative Brademas stated that the federal government “makes a commitment to pay a gradually increasing percentage of the national average expenditure per pupil times the number of handicapped children receiving special education and related services.” (*Congressional Record*, November 18, 1975, H-37024). Almost 30 years later, we are not close to meeting that commitment. In 2004, Congress appropriated \$10.07 billion for IDEA, 19 percent of the national APPE.

Over the years, there have been several bipartisan bills and amendments in Congress that would have required the federal government to pay 40 percent of APPE with “mandatory funds” — federal funds that are provided outside of the annual discretionary appropriations

process. Two years ago, an amendment to provide mandatory full-funding of IDEA was offered by Senators **Harkin** and Hagel and others to the *No Child Left Behind Act*. The amendment passed the Senate by voice vote, but unfortunately was not included in the final bill because of Republican opposition in the House and White House. This year, Senators Hagel and **Harkin** have introduced a free-standing full-funding bill, **S. 939**, which would provide new mandatory funding for IDEA and, when combined with the discretionary funding amounts provided in appropriations bills, reach the 40 percent of the APPE level in eight years.

Congress is currently in the process of reauthorizing IDEA, which was last reviewed in 1997. The House has passed a bill (H.R. 1350) that authorizes discretionary increases in funding, but does not include mandatory full-funding for IDEA. The Senate Committee on Health, Education, Labor, and Pensions (HELP) has reported an IDEA reauthorization bill (**S. 1248**), which awaits floor consideration. An amendment will be offered to the Senate bill to include mandatory full-funding of IDEA, and Senate Democrats will fight to pass that measure into law.

Discretionary vs. Mandatory Funding

A cursory glance at last year's funding cycle illustrates why we need mandatory full-funding of IDEA. The *Fiscal Year 2004 Budget Resolution* called for a \$2.2 billion increase for IDEA, as did Senator Gregg's education bill, **S. 4**, which set a goal of fully-funding IDEA in six years through the discretionary appropriations process. Unfortunately, neither piece of legislation guaranteed that the increases would happen, and a review of the appropriations process shows why that omission was so critical.

The *Fiscal Year 2004 Labor-Health and Human Services-Education Appropriations bill* reported out of committee in the Senate contained only a \$984 million increase for IDEA. During floor consideration, the Senate approved a Democratic amendment to increase IDEA funding by an additional \$1.2 billion, for a total of \$2.2 billion, the amount in the *Budget Resolution*. But the final amount that emerged after conference with the House was only \$1.2 billion higher than in the previous year — an increase far less than what is needed to achieve full-funding in a reasonable time period.

This year, the President requested a \$1 billion increase for IDEA. The Senate *Budget Resolution* also includes a \$1 billion increase for IDEA. According to the Congressional Research Service, annual \$1 billion increases in IDEA will never result in full-funding under the formula in current law. Under **S. 1248**, which modifies the funding formula, \$1 billion increases will not achieve full-funding until Fiscal Year 2028. By then, a child beginning kindergarten today would have already graduated from high school.

The solution is simple: provide mandatory full-funding for IDEA, which would mean no more empty promises, and no more questions about how much money the program would receive each year. Funding increases for IDEA would be guaranteed, and at long last, Congress would fulfill its commitment to children with disabilities.

The Need for Mandatory Full-Funding of IDEA

Every school district in America will tell you why we need mandatory full-funding for IDEA. Schools are having difficulties funding services for all students, including students with disabilities, and are raising local taxes to pay for this shortfall. Students with disabilities and their parents sometimes feel they are treated poorly by school officials who are concerned about the cost of much-needed special education services. This situation is exacerbated by the state fiscal crises which are forcing many states to cut education funding.



Mandatory full-funding for IDEA would be a win-win-win situation:

- ✓ School districts would receive the resources they need to serve all of their children;
- ✓ Students with disabilities would receive the education they deserve; and
- ✓ local taxpayers would receive fiscal relief.

Even with increases in IDEA funding, the federal government is only paying 19 percent of APPE in 2004. Most Senate Democrats support legislation that would guarantee increases that would reach 40 percent in a defined period — living up to the original commitment.

Mandatory Full-Funding of IDEA Will Not Prevent Changes to IDEA

Mandatory full-funding will not prevent Congress from making changes to IDEA in the future. Many other statutes with mandatory funding are regularly revised. IDEA was amended in 1983, 1986, and 1990, and major revisions were made in 1997. Parts of the Act require reauthorization, which has prompted Congress to review the entire law in both 1997 and in the current reauthorization process. Ample evidence suggests that Congress will continue to modify the Act and meet changing circumstances, regardless of the funding mechanism.

Mandatory Full-Funding of IDEA Is Strongly Supported by the Education and Disability Community

Mandatory full-funding is widely supported by the disability and education communities. **S. 939** has been endorsed by members of the Education Task Force of the Consortium for Citizens with Disabilities, including Adapted Physical Activity Council, American Academy of Child, Adolescent Psychiatry, American Association on Mental Retardation, American Council of the Blind, American Counseling Association, American Foundation for the Blind, American Music Therapy Association, American Speech–Language–Hearing Association, American Therapeutic Recreation Association, Association for Education and Rehabilitation of the Blind and Visually Impaired, Association of Maternal and Child Health Programs, Association of University Centers on Disabilities, Bazelon Center for Mental Health Law, Children and Adults with Attention–Deficit/Hyperactivity Disorder, Council for Exceptional Children, Council for Learning Disabilities, Council of Parent Attorneys and Advocates, Division for Early Childhood of the Council for Exceptional Children, Division for Learning Disabilities of the Council for Exceptional Children, Easter Seals, Learning Disabilities Association of America, National Association of Protection and Advocacy Systems, National Association of Rehabilitation Research and Training Centers, National Association of School Psychologists, National Center for Learning Disabilities, National Coalition on Deaf–Blindness, National Consortium for Physical Education and Recreation for Individuals with Disabilities, Research Institute for Independent Living, The Arc, Tourette Syndrome Association, and United Cerebral Palsy.

The legislation also has been endorsed by the IDEA Funding Coalition, including the American Association of School Administrators, American Counseling Association, American Federation of Teachers, American Speech–Language–Hearing Association, Chicago Public Schools, Council for Exceptional Children, Council of Chief State School Officers, Council of Great City Schools, National Association of Elementary School Principals, National Association of Federally Impacted Schools, National Association of School Psychologists, National Association of Secondary School Principals, National Association of Social

Workers, National Education Association, National PTA, National Rural Education Association, National School Boards Association, and People for the American Way.

If mandatory full-funding was going to prevent future changes to the law, neither the disability nor the education community would support the initiative. Instead, they recognize that mandatory full-funding will not limit the ability of Congress to improve the Act, and is the only way that funding will reach 40 percent of the APPE.

Mandatory Full-Funding of IDEA is the Only Way to Guarantee that Congress Meets Its Commitment

Although IDEA appropriations have increased in the past few years, they still fall far short of meeting the federal government's commitment to pay 40 percent of APPE. Republican opponents to mandatory funding claim they are just as committed to fully-funding IDEA, but their argument is refuted by history and common sense. For almost 30 years, children with disabilities, educators, and taxpayers have heard these same promises over and over. Yet the funding that was supposed to be provided still has not materialized.

The Republican claim that yearly appropriations battles over IDEA funding show just as much commitment as guaranteed increases is nonsense. It's common sense that when a request is made, an emphatic "yes," is a lot better than a tentative "we'll see." The bipartisan proposal for mandatory full-funding is a guaranteed "yes." Unfortunately, the Republican alternative is a continual "we'll see."

Source: Senator Harkin's staff on the Health, Education, Labor and Pensions Committee and the Subcommittee on Education Appropriations, April 2004.



Private School Vouchers and Individuals with Disabilities

Over the last few years there has been an increasing interest in a voucher program for individuals with disabilities, essentially as a logical extension of the long-standing public school voucher debate.

In June 2002, the President's Commission on Excellence in Special Education released a report that made several recommendations supportive of private school vouchers for individuals with disabilities. Additionally, in 2003 there was Republican support in the House and Senate for the concept of school vouchers for individuals with disabilities.

The basic issues in this discussion and the Republican and Democratic agendas in the general private school voucher debate apply equally in this case. However, there are several key differences that should be understood.

- ✓ In public schools, individuals with disabilities have recognized rights under federal, state, and local civil rights laws. Transferring to a private school would result in a loss of most of these protections because private schools are not an extension of the state;
- ✓ In public schools, the law requires that children with disabilities be provided a free appropriate public education under the terms of an individualized educational program entered into between the school and the child's parents or guardian. Currently private schools have no such requirements;
- ✓ In public schools, the law requires that instructors be qualified to teach in a manner appropriate to a child's disability. Currently, private schools have no such requirement; and
- ✓ In public schools, the law requires that children with disabilities be educated, to the greatest extent possible, and be fully integrated into the general curriculum and activities of the school. Currently, private schools have no such requirement.

These key differences could be removed by laws that extend the requirements of IDEA to private schools if they accept voucher funds. However, the question becomes what level of oversight private schools would accept in return for accepting students with disabilities and the accompanying funds.

In 1999, Florida passed the John M. McKay Scholarships Program into law, creating the first statewide private school voucher program that also covers individuals with disabilities. This program allows Florida parents to use scholarships (which averaged \$5,840 in 2002) to enroll their disabled children in an alternate public or private school of their choice.⁶⁰ Out of 374,000 Florida children with disabilities⁶¹ over 5,000 students (less than 1.5 percent of the eligible population) were utilizing the scholarship as of September of 2002. Less than 10,000 students have utilized the program over its life.⁶²

The McKay program is often cited as an example of a voucher program for individuals with disabilities, and has been extremely popular with parents. However, some studies provide important cautionary information regarding the use of vouchers for students with disabilities.

Current assessments of whether the private school voucher program is a success or failure depend as much on the ideology of the reviewer as the scientific review of the program's effectiveness. The conservative Manhattan Institute for Policy Research, Manhattan

Institute Education Research Office, has produced the most “scientific” review. Utilizing a “satisfaction” standard they surveyed participants in the McKay program and found most of the participants to be much more satisfied with their program participation in the private schools than in the public schools.⁶³ Representing the other side of the discussion, the People for the American Way Foundation and the Disability Rights Education and Defense Fund, produced a report entitled, *Jeopardizing a Legacy, A Closer Look at IDEA and Florida’s Disability Voucher Program*, in which they found the McKay law to be an expensive failure, threatening the public education of students with disabilities.⁶⁴ In addition, the federal government’s independent National Council on Disability offers a scholarly discussion of the private school voucher issue with emphasis on how it relates to individuals with disabilities.⁶⁵ Finally, in October 2003, a study by the Florida State Senate Education Committee found the McKay program plagued by poor administrative oversight that has opened the door to fraud and abuse and undermined the program’s effectiveness.⁶⁶

Senate Democrats support the right of parents to have their child with a disability attend private school and still receive the services necessary to ensure an appropriate education. Achieving this, however, does not require a system of vouchers for students with disabilities. Instead, a number of changes to the IDEA clarify the responsibilities of public schools to ensure that services to parentally-placed private school children with disabilities are provided in a fair and equitable manner. These changes will improve collaboration between public agencies and private schools by:

- ✓ Requiring that some public agency funds be used to provide direct services to parentally-placed private school students;
- ✓ Clarifying that direct services by public schools can be provided on the premises of private schools;
- ✓ Requiring public schools to collect and maintain more accurate data and records on students with disabilities in private schools;
- ✓ Requiring that efforts to identify students in private schools as having disabilities be comparable to such efforts in public schools; and
- ✓ Establishing a consultative process between private and public schools.

Endnotes

- ⁶⁰ Travis Hicks, *Education Daily*, “Florida Panel Says Vouchers Lack Proper Oversight,” October 23, 2003.
- ⁶¹ <http://www.firm.edu/doe/eias/flmove/florida.htm> 374,834 as of November 14, 2001 – exceptional student membership Fall 2001, 484,099 less 109,265 gifted students.
- ⁶² http://www.miedresearchoffice.org/mckayscholarship.htm#_Net_state_cost
- ⁶³ http://www.manhattan-institute.org/cr_38.pdf
- ⁶⁴ http://www.dredf.org/press_releases/Vouchers.pdf
- ⁶⁵ <http://www.ncd.gov/newsroom/publications/vouchers.html>
- ⁶⁶ Travis Hicks, *Education Daily*, “Florida Panel Says Vouchers Lack Proper Oversight,” October 23, 2003.



Student Discipline

The *Individuals with Disabilities Education Act* (IDEA) contains discipline provisions that attempt to balance competing concerns. One concern is that inappropriate behavior motivated by a child's disability should not be used to deprive a child of his or her educational opportunities. Competing concerns of educators are school safety and the ability to control disruptive behavior.

Current law allows the temporary suspension of a student for up to ten school days when the student is determined to be an immediate threat. Additionally, a child with a disability may be removed to an interim alternative education setting for up to 45 days if one student is found to be in possession of weapons or drugs. Current law further requires that before a school may suspend a child with disabilities for more than ten school days or expel the child, a determination must be made that the student's conduct or behavior is not a manifestation of his or her disability. If the school determines that the student's misconduct is not a manifestation of a disability, parents must be notified of any recommended placement changes for their child and be given an opportunity for a hearing with procedural rights. If the school determines that the student's misconduct is not a manifestation of disability the school may suspend or expel the student for more than ten school days. However, the law requires that in either case educational services must continue to be provided to the child. Finally, the school may ask a hearing officer to order that a child be placed in an alternative educational setting if it is demonstrated that the child is substantially likely to injure himself or herself or others in his or her current placement.

Republicans want to remove procedural due process rights for children with disabilities and replace them with a uniform approach to school discipline.⁶⁷ This approach offers children with disabilities and their parents little in the way of procedural safeguards. Democrats want to ensure procedural safeguards under IDEA that are meaningful, efficient, and ensure educational access for all children with disabilities and their families.⁶⁸

Endnotes

⁶⁷ <http://www.rnc.org/GOPInfo/Platform/2000platform4.htm> and HR 1350.

⁶⁸ <http://democrats.senate.gov/~dpc/pubs/108-1-167.html>

Federal Statutes Establish Civil Rights in Education

Listed below in order of their enactment by Congress, are six primary federal laws that establish civil rights for students and prohibit discrimination in education. These statutes focus on three core civil rights issues: equal education for children with disabilities, protection of students from peer harassment, and educational reform to ensure equality in education. Parents, students, advocates for educational equity, educational institutions, legislators, and courts are addressing these critical issues through litigation, developing administrative remedies in the Department of Education, and enacting amendments to federal education legislation and state education reform laws.

The *Civil Rights Act of 1964*. This landmark legislation prohibits acts of discrimination in housing, employment, and education. Title VI, the education section of the Act, prohibits discrimination on the basis of race, color, sex, religion or national origin in public elementary and secondary schools and in public institutions of higher learning. Title VI prohibits racial discrimination by educational institutions that receive federal funds.

The *Equal Educational Opportunities Act of 1974 (EEOA)*. The EEOA prohibits discriminatory acts in schools, including segregating students on the basis of their race, color or national origin, and prohibits discrimination against faculty and staff. The EEOA requires school districts to take action to overcome students' language barriers that impede their equal participation in educational programs.

Title IX of the *Education Amendments of 1972*. Title IX prohibits discrimination on the basis of gender by recipients of federal funds. Title IX ensures opportunities for female students to participate in athletics and prohibits sexual harassment of students by school administrators, teachers, and students. The Department of Education's Office of Civil Rights (OCR) has primary responsibility for enforcing Title IX's provisions with respect to recipients of federal education funds.

Section 504 of the *Rehabilitation Act of 1973*. Section 504 prohibits exclusion, denial of benefits, and discrimination by reason of disability in programs or activities that receive federal funds. The Department of Education's OCR has primary responsibility for enforcing Section 504 with respect to recipients of federal education funds.

***Individuals with Disabilities Education Act (IDEA)*.** Enacted in 1975, the IDEA requires states and local educational agencies to provide free and appropriate public education to children with disabilities. The Department of Education has primary responsibility for enforcing IDEA.

***Americans with Disabilities Act (ADA)*.** Enacted in 1990, the ADA addresses discrimination against persons with disabilities. Titles II and III of the ADA prohibit discrimination on the basis of disability in public institutions and public accommodations, including public and private schools. The Department of Justice has primary responsibility for enforcing these titles as they relate to education.



IDEA: The Law, Compliance and Enforcement

Congress: Enactment of Civil Rights Education Law for Children with Handicaps.

Congress enacted IDEA in 1975 as the *Education of All Handicapped Children Act* (EHA). EHA addressed a number of problems facing children with disabilities — including warehousing of these children in institutions and providing them inferior and separate educations that incorporated low expectations for their future adult roles in society. EHA included basic rights for children age three to 21 to a *free and appropriate education* (FAPE) in a *least restrictive learning environment* (LRE). EHA regulations guaranteed children and parents due process protections in hearings with educational institutions. Although Congress has amended IDEA several times since 1975, these core provisions have not changed.⁶⁹

Part B “Assistance for Education of All Children with Disabilities,” describes federal funding to states to carry out the purposes of the Act and the responsibilities of state education agencies (SEAs) to monitor implementation of the Act. Today, six million children and young people with disabilities qualify for educational interventions under Part B of IDEA. Part B describes the basic rights and responsibilities of children with disabilities and their parents. IDEA ensures two basic educational rights for children with disabilities: (1) the right to a free and appropriate public education, and (2) the right to that education in the least restrictive environment. LRE is an environment that provides the maximum interaction with non-disabled children consistent with the disabled child’s needs. This is a key right of children under IDEA and is called the “integration mandate.” Separate special education must be justified by a compelling education rationale.

An adequate and appropriate education for a disabled child is based on the child’s individualized education program (IEP). The IEP is a written statement developed with input from educators, parents, and the child. Parents use this as a tool to ensure an education program is developed to meet their child’s unique needs. The IEP must contain information about a child’s educational needs, level of performance, annual goals, short-term learning objectives, special education, and services to be provided to the child.

IDEA: Compliance and Enforcement. The National Council on Disability (NCD), in cooperation with the U.S. Department of Education (DoED) and Department of Justice (DOJ), evaluated federal government efforts to enforce states’ compliance with Part B of IDEA. NCD found that federal enforcement of the law has been inconsistent and ineffective. Enforcement of the law is often a burden placed on parents who invoke formal complaint procedures to demand supports that their children are entitled to under the law.

In recent monitoring reports by the Office of Special Education Programs (OSEP) more than 50 percent of the states were found to be out of compliance with IDEA in five primary compliance areas. Ninety percent of states failed to ensure general supervision of educational entities in carrying out their responsibilities under the law; 88 percent of states failed to ensure compliance with transition programs that enable students with disabilities to transition to postsecondary education or work; 80 percent of states failed to comply with the law’s requirement to create opportunities for FAPE; 78 percent of states failed to comply with procedural safeguards in the law; 72 percent of states failed to comply with the requirement to place students in the LRE; 44 percent of states failed to consistently provide IEPs; and many states fail to fulfill core legal obligations under IDEA that are intended to be legally protected civil rights to education for children with disabilities.⁷⁰

IDEA: Recommendations for Strengthening Enforcement. The DoED does not have full authority or resources to resolve parents’ complaints of non-compliance under IDEA. The DOJ does not have independent litigation authority to enforce the IDEA, but may initiate a suit when a claim is referred to them by the DoED. Only one enforcement action, to

withhold federal funds from Virginia, has been initiated by the DoED. The OSEP has made determinations of “high risk” status and required compliance agreements as a condition of receiving further federal funding with California, New Jersey, Pennsylvania, the Virgin Islands, and the District of Columbia.⁷¹

Private Legal Actions to Protect Students’ Civil Rights

Protecting students from peer racial and sexual harassment. The question of under what circumstances an educational institution receiving federal educational funds can be liable in a private action arising from student-on-student sexual harassment has divided federal circuit courts. Obligations of school administrators to be aware of acts of harassment by students and to act to prevent an environment that undermines the ability of victims of harassment to receive an adequate education are not clearly spelled out in the federal statutes described above. In the U.S. Supreme Court opinion in *Davis v. Monroe County Board of Education* (526 U.S.629, May 24, 1999) legal norms for schools’ liability are defined.

Sexual orientation harassment. An unresolved question is whether this cause of action under Title IX can be used by gay and lesbian students who suffer harassment, to ask for protection from discrimination based on their sexual orientation.⁷² Studies of gay and lesbian high school students indicate that there are serious problems of harassment of these students in schools. Forty-five percent of gay males and twenty percent of lesbians report experiences of verbal and physical assaults in high schools; sixty-six percent of gay African American adolescents report harassment.⁷³ Taking action to control these forms of student harassment is particularly important because in a survey of 1,900 lesbians from 17 to 24 years of age conducted by the National Lesbian and Gay Foundation (1987), 59 percent were found to be at risk for suicide. In addition, lesbian, gay, and bisexual youth reported substantial levels of emotional distress, substance abuse, depression, and anxiety.⁷⁴ Peer harassment is an important risk factor for the higher rate of suicide attempts.

Racial harassment. In a recent case heard by the 10th Circuit Court of Appeals, the federal court extended the logic of the *Davis* case to establish a school’s liability for condoning a hostile educational environment that adversely effected minority children. The Oklahoma school allowed offensive racial slurs, epithets, swastikas, and the letters ‘KKK’ inscribed in school furniture, and knew of threatening notes placed in African American students’ lockers.⁷⁵ Under federal law in Title VI section 601, school administrators have a duty to provide a non-discriminatory educational environment for students. When they learn of egregious intentional racist discrimination by students under their charge and make a deliberate decision to sit by and do nothing, they will be liable to students who are victims of the racial harassment.

Civil Rights and Educational Reform: Entitlement to Equal Educational Opportunity

American schools continue to be racially and economically segregated. Sixty-nine percent of African American children and seventy-five percent of Hispanic children attend predominantly minority schools.⁷⁶ In the face of this persistent racial segregation in schools, education reforms focus on redistribution of financial resources to address pervasive resource disparities in expenditures per student, class size, teachers’ salaries, libraries, sports equipment, and guidance counseling.⁷⁷

Civil rights advocates have used school finance litigation to ensure more equitable distribution of resources to schools in districts with high concentrations of poverty. These



cases rely on federal law — including Title VI, Title I, and the EEOA and state constitutional provisions of equal protection. However, even successful redistribution of resources does not correct for the cumulative disadvantages of children's experiences of persistent poverty, systemic inequality, and racial segregation. "Segregated minority high-poverty schools have to spend much larger shares of their resources on remedial courses, special education, dealing with out-of-school problems and crime and managing violence," according to Gary Orfield of Harvard University.⁷⁸

School finance cases do not directly address the quality of education a child receives, and judicial remedies do not include improvements in the quality of education. True educational reform requires a broader approach to achieve educational equality. To be truly effective, reforms must articulate specific goals of an adequate and necessary education. Kentucky, Massachusetts, and California have been at the forefront of this approach to establishing educational equality as a basic civil right. The Kentucky Supreme Court in *Rose v. Council for Better Education* (790 S.W.2d 186, Ky.1989) struck down the state's entire system for financing public education and ordered the Kentucky legislature to create a new system of financing and a system to ensure educational outcomes. This kind of litigation led to education reform acts in both Kentucky and Massachusetts.⁷⁹ State courts are beginning to define a constitutionally adequate education that enables children to communicate, participate, and compete in the society in which they live, and understand and participate in the political system. But, in order to achieve a goal of basic educational equality, educators and legislatures must understand the causal relationships between racial isolation, persistent poverty, and lower achievement.⁸⁰

Equalizing education funding for schools is one step in ensuring that low-performing schools have the resources to educate children; the more important goal is to ensure an adequate education for children that enables them to learn the skills needed to be problem-solvers and creative individuals. Senate Democrats recognize that this goal cannot be achieved without civil rights tools that address the core inequalities that exist in American classrooms and are committed to strengthening civil rights.

Endnotes

- ⁶⁹ National Council on Disability (NCD), *Back to School on Civil Rights: Advancing the Federal Commitment to Leave No Child Behind*, January 25, 2000.
- ⁷⁰ OSEP monitoring reports.
- ⁷¹ NCD, *Back to School on Civil Rights*.
- ⁷² Feiock, Katie. "The State to the Rescue: Using State Statutes to Protect Children from Peer Harassment in School," 35 *Columbia Journal of Law and Social Problems* 317, 2002, and Schaffner, Joan, 1999. "Recent Development: Approaching the New millennium with Mixed Blessings for Harassed Gay Students," 22 *Harvard Women's Law Journal* 159.
- ⁷³ Lovell, Amy. "Protecting Students from Peer Sexual Harassment," 86 *California Law Review* 617, 1998.
- ⁷⁴ Hancock, Kristin. *Education, Research, and Practice in Lesbian, Gay, Bisexual, and Transgendered Psychology*. (Eds. Beverly Greene and Gladys Croom), 2000.
- ⁷⁵ *Bryant v. Independent School District*, 334 F.3d 928, July 2, 2003.
- ⁷⁶ Orfield, Gary and John Yun. "Resegregation in American Schools," available at www.lawharvard.edu/civilright, 1999.
- ⁷⁷ Orfield, Gary. "The Growth of Segregation: African Americans, Latinos and Unequal Education," in *Dismantling Desegregation* (Eds., Gary Orfield and Susan Eaton), 1996.
- ⁷⁸ Orfield. "Growth of Segregation."

- ⁷⁹ The *Kentucky Education Reform Act of 1990* and the *Massachusetts Education Reform Act of 1993*.
- ⁸⁰ See a discussion of these cases in Zwibelman, Julie, 2001. "Broadening the Scope of School Finance and Resource Comparability Litigation," 36 *Harvard Civil Rights and Civil Liberties Law Review* 527.



12

National and Community Service Act of 1990

Background

The AmeriCorps State and National Program is authorized under Title I, Subtitle C (National Service Trust Program) of the *National and Community Service Act of 1990* (NCSA). The program was created by the *National and Community Service Trust Act of 1993* (P.L. 103–82), which amended NCSA. P.L. 103–82 also created the Corporation for National Service. The AmeriCorps State and National Program, often referred to as “AmeriCorps State and National,” operates in all states, the District of Columbia, Puerto Rico, and the U.S. Territories.⁸¹

The Corporation for National and Community Service, an independent federal agency, connects Americans of all ages and backgrounds with opportunities to give back to their communities and their nation through voluntary service. More than two million Americans serve their fellow citizens each year through the Corporation’s three main programs: AmeriCorps, Senior Corps, and Learn and Serve America. In partnership with nonprofit groups, faith-based organizations, schools, and other public agencies, participants in these programs tutor children, build and renovate homes, provide immunizations and health screenings, clean up and preserve the environment, serve on neighborhood crime-prevention patrols, and respond to disasters. Participants also recruit and manage volunteers and otherwise help to build the strength and effectiveness of nonprofit organizations.⁸²

Administration’s position

In his State of the Union Address on January 29, 2002, President Bush announced his intention to expand and improve the efforts of “AmeriCorps,” a term used to refer to three national and community service programs: 1) the State and National Program, 2) National Civilian Community Corps (NCCC), and 3) Volunteers in Service to America (VISTA). These programs are administered by the Corporation for National and Community Service.⁸³

President Bush’s budget proposal for Fiscal Year 2005 includes a 6.5 percent decrease from Fiscal Year 2004 funding for the AmeriCorps State and National Program, the largest of the three AmeriCorps programs, with funding at \$312.1 million for Fiscal Year 2004. In April 2002, the President released *Principles and Reforms for a Citizens Service Act*. This Act would reauthorize the national and community service programs administered by the Corporation, including the AmeriCorps programs, among others.⁸⁴

Senate Democratic position

National Service Programs — AmeriCorps, Senior Programs (the Retired and Senior Volunteer Program [RSVP], Foster Grandparents, and Senior Companions), and Learn and



Serve — offer all Americans the chance to serve. Senate Democrats are committed to continuing to provide full- and part-time AmeriCorps opportunities that offer stipends and /or education awards. Service should be open to all — not just those whose families can afford to support them. National and Community Service teaches active citizenship while developing civic responsibility and stronger communities.



Endnotes

- ⁸¹ Ann M. Lordeman, Congressional Research Service. *The AmeriCorps State and National Program*, July 10, 2002.
- ⁸² <http://www.nationalservice.org/about/thecorporation.html>
- ⁸³ Ann M. Lordeman, Congressional Research Service. *The AmeriCorps State and National Program*, July 10, 2002.
- ⁸⁴ Ann M. Lordeman, Congressional Research Service, May 2004 update and *The AmeriCorps State and National Program*, July 10, 2002.

13

Fact Sheets on Major Federal Education Programs

Head Start

What is Head Start?

Head Start is a comprehensive program for low-income children, aged three to five years-old, that helps them become prepared for school and stay healthy by providing immunizations, health check-ups, and nutritious meals. The program also helps parents become active participants in their children's learning. To be eligible for Head Start, the family income must be at or below the federal poverty line, which is \$18,400 a year for a family of four.⁸⁵ Head Start is scheduled for reauthorization in the 108th Congress.

Since 1965, Head Start has provided comprehensive pre-kindergarten experiences in the areas of education, health care, nutrition, and social services to over 18.5 million of the nation's poorest children.⁸⁶ Within Head Start, low-income children receive high-quality pre-school experiences, immunizations, health screenings, and dental check-ups. Parents can take part in literacy classes and workshops, allowing them to take an active role in their children's education.

Head Start's preventive programs are cost-effective and successful. For the price of a single space in a juvenile detention facility, five children can receive a full-day, full-year Head Start experience. Children who participate in Head Start are more likely to graduate from high school, earn more income as adults, and commit fewer juvenile crimes.

In Fiscal Year 2002, Head Start served over 912,000 children at a cost of \$6.5 billion. Senate Democrats have worked and will continue to work to improve the Head Start program because it continues to significantly improve the quality of life in communities and strengthen American families.

FUNDING HISTORY

| | |
|--------------------------|----------------|
| Fiscal Year 2002 | \$6.5 billion |
| Fiscal Year 2003 | \$6.67 billion |
| Fiscal Year 2004 | \$6.7 billion |
| Fiscal Year 2005 Request | \$6.9 billion |

Source: The Committee for Education Funding. *Education Budget Alert for Fiscal Year 2005*.

Endnotes

⁸⁵ The 2003 U.S. Department of Health and Human Services (HHS) Poverty Guidelines, <http://aspe.hhs.gov/poverty/03poverty.htm>.

⁸⁶ U.S. Department of Health and Human Services, Head Start Bureau (2000), Head Start Statistical Fact Sheet in Children's Defense Fund materials.



Title I: Education for the Disadvantaged

What is Title I?

The Title I program of the *Elementary and Secondary Education Act of 1965* provides a framework to ensure that all children receive a high-quality education and master challenging academic standards established by the states. The Title I program provides needed resources to local school districts to help disadvantaged students succeed academically.

On January 8, 2002, President Bush signed into law the *No Child Left Behind Act of 2001* that made significant changes in the Title I program. The new law allows schools continued flexibility to design instructional activities to meet the varied needs of students. Numerous new requirements were enacted to ensure that a greater focus is placed on the achievement of all students including poor, minority, and limited English proficient children. The new statewide accountability system required under the Title I reauthorization is applicable not only to Title I – funded schools, but to all public schools.

Under the new law, schools, districts, and states will ensure that progress is made for all children in every public school district across the country. Title I–funded schools that do not make “adequate yearly progress” in relation to their state’s standards will receive additional help and resources to improve student achievement. If a school fails to make progress after two consecutive years, a sequential set of actions will be undertaken in an effort to improve the performance of the school and to provide additional instructional options for the children in these schools.

The new law demands increasing proficiency percentages for all children in the aggregate, as well as increasing proficiency percentages by cohort, for low-income, minority, limited English proficient children, and children with disabilities.

All children and all groups of children are expected to achieve proficiency in 12 years. Beginning with school year 2005–2006, Title I requires each state to test children annually in grades three through eight, and in the interim to continue to test in at least one grade per grade span: 3–5, 6–9, and 10–12. In order to check the rigor of the academic standards and the assessment systems established by the states, each state is also required to participate in the National Assessment of Education Progress (NAEP). All testing data will be disaggregated for each group of students.

The new reauthorization continues virtually all of the specialized sub-programs under ESEA Title I, including Even Start, the Migratory Children and Neglected and Delinquent Children programs, the School Dropout Prevention program, the Comprehensive School Reform and the Demonstration and Evaluation programs. A number of new programs also were authorized under Title I, including the Reading First and Early Reading First programs, the Improving Literacy Through Libraries program, the School Improvement and Advanced Placement programs. The Capital Expenses program that funds alternative arrangements such as neutral sites and mobile units for delivering services to non-public school children was reauthorized under the ESEA and moved to Title V, the Fund for the Improvement of Education.

Nearly 14,000 of the nation’s more than 15,000 school districts are allocated \$10.3 billion in Title I funds to improve academic achievement in their highest poverty schools, and for private school students who reside in those low-income attendance areas.



| FUNDING HISTORY | |
|---|----------------|
| Fiscal Year 2002 | \$11 billion |
| Fiscal Year 2003 | \$12.4 billion |
| Fiscal Year 2004 | \$13 billion |
| Fiscal Year 2005 Request | \$13.8 billion |
| Source: The Committee for Education Funding. <i>Education Budget Alert for Fiscal Year 2005.</i> | |

Source: The Committee for Education Funding. *Education Budget Alert for Fiscal Year 2004.*

Safe and Drug-Free Schools and Communities

What are Safe and Drug-Free Schools and Communities?

The *Safe and Drug-Free Schools and Communities Act* supports communities' efforts to make America's schools safe and drug-free. The Act gives states and local educational agencies great latitude in how to utilize federal funds under the program. Programs supported by federal funds include drug prevention education, comprehensive health education, early intervention, counseling, mentoring, and rehabilitation referral. The program also includes professional development for school personnel, parents, law enforcement officials, and community leaders.

Funds may be used for activities such as curriculum development, teacher education, education for students in the prevention of drug abuse, violence, and hate crimes. These activities have been expanded to include non-violent conflict resolution and peer mediation.

Nationwide, Americans are deeply concerned about school safety and about the rate of substance abuse among young people. According to the National Center on Addiction and Substance Abuse (CASA) 2001 Report, *Substance Abuse and America's Schools*, 60 percent of middle and high school students reported that drugs were used, kept, or sold at their schools. But in 2003, marijuana use among high school students declined for a second year in a row (Monitoring the Future, <http://monitoringthefuture.org>).

Similarly, the incidence of school violence in recent years has catalyzed efforts to increase federal involvement for school violence prevention through research and evaluation of model programs. The Safe and Drug-Free Schools and Communities program is designed to help make schools safe and drug-free by supporting comprehensive, integrated approaches to drug abuse and violence prevention. The program provides significant resources and a sound program structure to motivate youth to reject high-risk behaviors and develop character and positive goals for the future.

Senate Democrats have fought to ensure that the Safe and Drug-Free Schools and Communities program is proven effective, focuses funding on communities with the greatest need, addresses tolerance through hate crimes legislation, and authorizes the Safe Schools/Healthy Students program.

FUNDING HISTORY

| | |
|--------------------------|-----------------|
| Fiscal Year 2002 | \$746.8 million |
| Fiscal Year 2003 | \$715.8 million |
| Fiscal Year 2004 | \$674 million |
| Fiscal Year 2005 Request | \$716 million |

Source: The Committee for Education Funding. *Education Budget Alert for Fiscal Year 2005*.

Source: The Committee for Education Funding. *Education Budget Alert for Fiscal Year 2004*.

21st Century Community Learning Centers (After-school Programs)

What are 21st Century Community Learning Centers?

The 21st Century Community Learning Centers program is authorized in the *No Child Left Behind Act of 2001*. This program is designed to help communities establish or expand learning activities in schools and other community facilities, including after-school, weekend, and summer school enrichment programs.

The after-school hours are critical. The after-school hours are the most dangerous for children. The hours of 3:00 p.m. to 6:00 p.m. are a peak time for juvenile crime; these are also the hours when kids are most likely to become victims of crime.⁸⁷ Children face other dangers during this time. On a given school day, 16 and 17 year-olds are most likely to be in or cause a car crash during the after-school hours.⁸⁸ Students who spend no time in extracurricular activities are 49 percent more likely to use drugs and 37 percent more likely to become teen parents than students who spend one to four hours per week in such activities.⁸⁹

Children who do not have access to after-school care options are at greater risk. One study found that eighth-graders who were unsupervised for eleven or more hours per week were twice as likely to abuse drugs or alcohol as those under adult supervision.⁹⁰ After-school programs improve children's safety and improve academic performance. When the city of Chicago began an after-school enrichment program, 39 or 40 participating schools saw students' math scores increase. Thirty schools reported improved reading scores as well.⁹¹

Too many children are without after-school care. In 2001, four out of five (or 80 percent) women with children ages six through 17 were in the labor force, and the majority of these women worked full-time. Nearly 31.5 million children between the ages of six and 17 lived in families where their mother was in the labor force.⁹² Over seven million children are left home alone each week.⁹³

Low-income children have particular difficulty gaining access to after-school care. Children living in families with a monthly income under 200 percent of poverty are less than half as likely to participate in enrichment activities such as sports, lessons, or clubs as children living in families with a monthly income of 200 percent of poverty or more.⁹⁴

Existing after-school programs are working

Longitudinal research on after-school programs demonstrates that children who have access to quality before- and after-school and summer education programs score higher on achievement tests, have lower dropout rates, watch less television, and have better attitudes toward school.⁹⁵

A 30-month evaluation of the Boys and Girls Clubs of America's Project Learn program found that participants improved their study skills, attended school more regularly, and increased their grade point average.⁹⁶

The state of California already has a number of effective after-school programs. An evaluation of the After-School Learning and Safe Neighborhoods Partnerships Program (ASLSNPP) – the state-funded program serving about 95,000 students – found that



program participants achieve much higher scores on their Standardized Testing and Reporting (STAR) assessment, attend classes more frequently, and enjoy school more. Students feel safer in the after-school programs than they did before attending these programs.⁹⁷

A ten-year analysis of Los Angeles's Better Educated Students for Tomorrow (BEST) after-school program, which now serves 13,000 students in 76 schools in Los Angeles, concluded that long-term participation (four years or more) is significantly related to positive achievement on standardized tests in reading, math, and language arts. A higher level of program participation is also related to better school attendance.⁹⁸

FUNDING HISTORY

| | |
|--------------------------|-----------------|
| Fiscal Year 2002 | \$1 billion |
| Fiscal Year 2003 | \$993.5 million |
| Fiscal Year 2004 | \$999 million |
| Fiscal Year 2005 Request | \$999 million |

Source: The Committee for Education Funding. *Education Budget Alert for Fiscal Year 2005*.

Endnotes

- 87 Howard Snyder and Melissa Sickmund, *Juvenile Offenders and Victims: 1999 National Report* (Washington, DC: Office of Juvenile Justice and Delinquency Programs, U.S. Department of Justice, September 1999).
- 88 T. Rice, Southern California Injury Prevention Research Center, School of Public Health, University of California, Los Angeles, personal correspondence, July, 2000, as cited in Sanford A. Newman, James Alan Fox, Edward A. Flynn, and William Christeson, *America's After-School Choice: The Prime Time for Juvenile Crime, or Youth Enrichment and Achievement* (Washington, DC: Fight Crime Invest in Kids, 2000).
- 89 U.S. Department of Health and Human Services, *Adolescent Time Use, Risky Behavior, and Outcomes: Analysis of National Data* (Washington, DC: U.S. Department of Health and Human Services, 1996).
- 90 Kathleen M. Dwyer, Jean L. Richardson, Kathleen L. Danley, William B. Hansen, Steven Y. Sussman, Bonnie Brannon, Clyde W. Dent, C. Anderson Johnson, and Brian R. Flay, "Characteristics of Eighth-Grade Students Who Initiate Self-Care in Elementary and Junior High School," *Pediatrics*, 1990, Volume 86, No. 3, pp. 448-454.
- 91 Chicago Public Schools Office of Schools and Regions, the McPrep Lighthouse Program. Chicago, IL: Chicago Public Schools, 1998, as cited in Joy G. Dryfood, "The Role of the School in Children's Out-of-School Time," *The Future of Children*, Fall 1999, Volume 9, No. 2.
- 92 Data from the U.S. Bureau of Labor Statistics, March 2001, Current Population Survey.
- 93 Kristin Smith, *Who's Minding the Kids? Child Care Arrangements: Spring 1997* (Current Population Reports pp. 70-86) (Washington, DC: U.S. Census Bureau, July 2002).
- 94 Kristin Smith, *Who's Minding the Kids? Child Care Arrangements: Spring 1997*.
- 95 The Committee for Education Funding, *Education Budget Alert for Fiscal Year 2004*.
- 96 U.S. Department of Health and Human Services, *Access to Child Care for Low-Income Working Families*, 1999.
- 97 *Access to Child Care for Low-Income Working Families*, 1999.
- 98 *Access to Child Care for Low-Income Working Families*, 1999.

Education Technology

What is education technology?

In today's information age and global marketplace, intellect and innovation give the United States its competitive edge. A highly educated and skilled citizenry is essential to achieving the United States' economic goals. Education technology is an increasingly critical tool in efforts to ensure that all students reach high standards and gain the skills to help sustain the nation's economic health.⁹⁹

The Internet and other learning technologies are revolutionizing education policy and practice. The ability to individualize instruction and open new doors to an array of information calls for dramatic innovations in computer hardware and software, as well as in curriculum and communications infrastructure. The results are a transformation of teaching and learning and improved student achievement through more efficient and effective systems.¹⁰⁰

National Need and Impact

In the last several years, the nation's schools have made enormous progress in expanding access to learning technology and integrating these tools into teaching and learning. This investment is beginning to pay off, especially where the commitment and partnerships are strong. In the fall of 2001, 99 percent of schools had some access to the Internet,¹⁰¹ albeit often at sub-optimal levels (examples include low-speed and limited bandwidth). In 1994, only 35 percent of all schools were linked to the Internet.

High-poverty and high-minority enrollment schools are twice as likely to be unconnected to the Internet and 20 percent less likely to make technology available during after-school hours. According to the National Center for Education Statistics, 80 percent of instructional classrooms in wealthy schools are connected to the Internet, whereas only 60 percent of classrooms in high-poverty schools are similarly linked.¹⁰²

Nationally, there are approximately five students for every computer. In 2001, high-poverty school districts calculated nearly seven students per computer.¹⁰³ A year earlier, the ratio was nine students per computer in high-poverty districts. The proper application of computers and integration of curricula, content, and technology in the classroom remains a challenge.

Most current education technology software programs are unrelated to state content standards. Instructional staff lack familiarity with the use of technology. Only 20 percent of all teachers report feeling comfortable integrating technology into their teaching lessons.

Summary of Education Technology Grant Program

The *No Child Left Behind Act* authorizes \$1 billion for Fiscal Year 2002 and such sums for succeeding years for the Education Technology Grant Program (\$682 million was appropriated in Fiscal Year 2001),¹⁰⁴ while the Bush Administration's Fiscal Year 2005 budget request includes \$692 million for the program.

The Education Technology Grant Program consolidates the main current federal education technology programs, the \$450 million Technology Literacy Challenge Fund, and the \$135 million Technology Innovation Challenge grants, into one formula grant program. The new program supports heightened academic achievement through the use of technology, and technology literacy as an educational goal.¹⁰⁵



The Federal Role Remains Crucial

Recognizing the need to ensure that all students achieve high standards and are prepared for the 21st Century, Senate Democrats have continually supported efforts to provide technology access and integration to students, particularly at the elementary and secondary levels. Federal leadership provides local decision-makers with the resources and flexibility to rethink how instruction may be provided more effectively and efficiently with technology, as well as to help ensure teachers are well-prepared to use technology.¹⁰⁶

The advent of the “education rate” (or E-Rate) discounts for schools and libraries – made available through the *Telecommunications Act of 1996* – is accelerating student access to on-line resources. The E-Rate program currently provides \$2.25 billion annually, freeing up school budgets for other essential technology needs. In addition, federal U.S. Department of Education grant funding accounts for more than one-third, or about \$3 billion, of annual school technology spending. These programs were authorized in the *No Child Left Behind Act of 2001*, which strengthened federal technology support.¹⁰⁷

As state and local governments strive to keep pace with innovations and meet long-standing academic needs, federal technology funds remain a vital source of financial support. Senate Democrats are committed to increasing federal investments in school technology for Fiscal Year 2004 and beyond.

FUNDING HISTORY (millions of dollars)

| | FY02 | FY03 | FY04 | FY05 Request |
|---|---------|--------|--------|--------------|
| Education Technology State Grants | \$700.5 | \$696 | \$692 | \$692 |
| Star Schools | \$27.5 | \$27.3 | \$20.3 | \$0.0 |
| Preparing Tomorrow's Teachers to Use Technology | \$62.5 | \$62.1 | \$0.0 | \$0.0 |
| Community-Based Technology Centers | \$32.5 | \$32.3 | \$9.9 | \$0.0 |

Source: The Committee for Education Funding. *Education Budget Alert for Fiscal Year 2005*.

Endnotes

⁹⁹ The Committee for Education Funding. *Education Budget Alert for Fiscal Year 2004*.

¹⁰⁰ The Committee for Education Funding. *Education Budget Alert for Fiscal Year 2003*.

¹⁰¹ Internet Access in U.S. Public Schools and Classrooms: 1994–2001, National Center for Education Statistics (2002). Available online at <http://nces.ed.gov/pubs2002/internet>.

- ¹⁰² U.S. Senate Health, Education, Labor, and Pensions Committee. *Summary of the 2001 ESEA Reauthorization Conference Report (HR 1)*, December 2001.
- ¹⁰³ Internet Access in U.S. Public School Classrooms: 1994–2001, National Center for Education Statistics (2002). Available online at <http://nces.ed.gov/pubs2002/internet>
- ¹⁰⁴ U.S. Senate Health, Education, Labor, and Pensions Committee. *Summary of the 2001 ESEA Reauthorization Conference Report (HR 1)*, December 2001.
- ¹⁰⁵ Ibid.
- ¹⁰⁶ The Committee for Education Funding. *Education Budget Alert for Fiscal Year 2003*.
- ¹⁰⁷ The Committee for Education Funding. *Education Budget Alert for Fiscal Year 2003*.





Language Instruction for Limited English Proficient and Immigrant Students

What is Language Instruction for Limited English Proficient and Immigrant Students?

Over five million children with limited English proficiency (LEP) attend American schools today, and their numbers are growing rapidly. Between 1989 and 2000, the number of students with limited English proficiency increased by 104 percent. Students with limited English proficiency are now present in every state and in almost half of our nation's school districts. Much of the growth in this student population has been in states and school districts that previously enrolled only a handful of these children. Between 1989–1990 and 1996–1997, the population of LEP students more than doubled in 18 states: Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Minnesota, Montana, Nebraska, Nevada, New Hampshire, North Carolina, Oklahoma, Oregon, Tennessee, and Washington.

However, one-quarter of public schools with limited English proficient enrollments do not provide English as a Second Language programs. (Source: *Overview of Public Elementary and Secondary Schools and Districts: School Year 2001–2002*. National Center for Education Statistics (2003). Available online at <http://nces.ed.gov/pubs2003/2003411.pdf>.)

Without access to appropriate educational resources and programs to meet the linguistic and academic needs of LEP students, many children will struggle to meet high academic standards. Federally supported language instruction programs for these students provide an opportunity for them to gain proficiency in English, achieve high academic standards, prepare for employment, and fully integrate into American society.

NCLB made significant changes to better serve LEP students, and ensure that students make progress in learning English and in academic achievement. Under the new Title III program of NCLB — the language instruction program for LEP students — funds will be distributed by formula to every state according to the number of LEP and immigrant students, providing support to develop language instruction and bilingual education programs in local school districts. Programs will be research-based and federal dollars will support a broader range of services and provide greater support for LEP students. Federal support for bilingual education, English as a Second Language, and other language instruction programs reflects the fact that the population of children with limited English skills continues to grow. Cognizant of this reality, Senate Democrats are committed to strengthening and expanding language instruction programs.

FUNDING HISTORY

| | |
|--------------------------|-----------------|
| Fiscal Year 2002 | \$664.3 million |
| Fiscal Year 2003 | \$683.8 million |
| Fiscal Year 2004 | \$681.2 million |
| Fiscal Year 2005 Request | \$681.2 million |

Source: The Committee for Education Funding. *Education Budget Alert for Fiscal Year 2005*.

Source: The Committee for Education Funding. *Education Budget Alert for Fiscal Year 2004 and 2005*.



Pell Grants

What are Pell grants?

The federal Pell Grant Program in the *Higher Education Act* has been the foundation of federal investment in higher education since 1973. The Pell grant program has provided grants to the neediest undergraduate students to help them finance postsecondary education. Each academic year, the maximum Pell grant award is established by Congress. For Fiscal Year 2004, grants range from \$400 to \$4,050, with the average award totalling \$2,421. (Source: *Tuition Levels Rise But Many Students Pay Significantly Less Than Published Rates*, The College Board, October 21, 2003. Available online at: <http://www.collegeboard.com/press/article/0,3183,29541,00.html>).

Any student who meets the academic and financial requirements can receive benefits from a Pell grant for a certificate or degree program. A need-based formula established by Congress sets out who is eligible for the grant and establishes the award amount. More than half of all Pell grants are given to students in families with incomes below the poverty line. In the 2003–2004 academic year, approximately five million students, or approximately one-third of all undergraduates, received a federal Pell grant. Any academically-qualified student attending an eligible postsecondary institution may apply for a federal Pell grant to help pay the costs of completing a certificate or degree program.

| FUNDING HISTORY | |
|--|--|
| Fiscal Year 2002 | \$11.3 billion (Maximum grant per student: \$4,000) |
| Fiscal Year 2003 | \$11.4 billion (Maximum grant per student: \$4,050) |
| Fiscal Year 2004 | \$12 billion (Maximum grant per student: \$4,050) |
| Fiscal Year 2005 Request | \$12.9 billion (Maximum grant per student: \$4,050) |
| Source: The Committee for Education Funding. <i>Education Budget Alert for Fiscal Year 2005</i> . | |

Sources: *National Association of Independent Colleges and Universities (NAICU) Student Aid Policy Handbook*, March 21, 2003, and The Committee for Education Funding, *Education Budget Alert for Fiscal Year 2005*.



Campus-Based Student Aid

What is Campus-Based Student Aid?

The federal campus-based student aid programs — Supplemental Educational Opportunity Grants, Federal Work-Study, and Federal Perkins Loans — in the *Higher Education Act* provide grants, loans, and work-study to increase access to higher education for students with financial need. These programs are referred to as “campus-based” because financial aid officers administer the programs directly at their postsecondary institutions. Using federal guidelines, financial aid administrators determine which students receive awards and how much they will receive.

In academic year 2002–2003, total federal funding for the three campus-based aid programs was approximately \$1.9 billion. About 53 percent of the funds went to work-study awards, 38 percent to supplemental grants, and nine percent to Perkins loans. Despite funding increases, federal appropriations for these three aid programs increased by only 50 percent since 1980–1981, but actually declined by 30 percent when adjusted for inflation.

Source: *National Association of Independent Colleges and Universities (NAICU) Student Aid Policy Handbook*, March 21, 2003.



The Federal Supplemental Educational Opportunity Grant (SEOG) Program

What is SEOG?

The SEOG program is designed for exceptionally needy undergraduate students; first priority for awards must be given to students who receive Pell grants. The minimum SEOG award is \$100 and the maximum is \$4,000.

In Fiscal Year 2003, approximately 1.2 million students received aid through supplemental grants. The average award exceeded \$770. More than 3,700 postsecondary education institutions participate in the program.

| FUNDING HISTORY | |
|---|---------------|
| Fiscal Year 2002 | \$725 million |
| Fiscal Year 2003 | \$760 million |
| Fiscal Year 2004 | \$770 million |
| Fiscal Year 2005 Request | \$770 million |
| Source: The Committee for Education Funding. <i>Education Budget Alert for Fiscal Year 2005.</i> | |

Source: NAICU Student Aid Policy Handbook, March 21, 2003, and The Committee for Education Funding. *Education Budget Alert for Fiscal Year 2005.*

The Federal Work–Study Program

What is the Federal Work–Study Program?

The Federal Work–Study (FWS) Program provides students with the opportunity to earn income to help pay for higher education. The federal government provides institutions with grants to pay part of the wages of needy undergraduate and graduate students working part–time to help pay their higher education costs. Federal Work–Study funds help create partnerships among the federal government, postsecondary schools, students, and communities.

In Fiscal Year 2004, approximately 858,000 students will receive FWS awards, with an average award of \$1,394.

FUNDING HISTORY

| | |
|--------------------------|-----------------|
| Fiscal Year 2002 | \$1 billion |
| Fiscal Year 2003 | \$1 billion |
| Fiscal Year 2004 | \$998.5 million |
| Fiscal Year 2005 Request | \$998.5 million |

Source: The Committee for Education Funding. *Education Budget Alert for Fiscal Year 2005*.

Source: NAICU *Student Aid Policy Handbook*, March 21, 2003, and The Committee for Education Funding. *Education Budget Alert for Fiscal Year 2005*.



The Federal Perkins Loan Program

What is the Perkins Loan Program?

This program provides needy undergraduate and graduate students with low-interest loans to help pay higher education costs. Most students must begin to repay these loans within nine months after they leave school. Loan repayments are made directly to the institution or its designated collection agent. Interest on the loans accrues at a rate of five percent per year, beginning when the borrowers enter repayment. Students who teach or perform certain types of military, voluntary, or community service may have a portion of their loans repaid by the federal government. Given the decline in purchasing power of federal student aid grant programs during the past ten years, low-income students have increasingly had to rely on federal Perkins loans to help finance a postsecondary education.

According to estimates by the U.S. Department of Education, 707,000 needy students received new Perkins loans during the 2001–2002 academic year. Twenty-five percent of these loans go to students with family incomes of \$18,000 or less, and 83 percent go to students with family incomes at or below \$30,000.

| FUNDING HISTORY | |
|---|----------------|
| Fiscal Year 2002 | \$100 million |
| Fiscal Year 2003 | \$99.4 million |
| Fiscal Year 2004 | \$98.8 million |
| Fiscal Year 2005 Request | \$0.0 |
| Source: The Committee for Education Funding. <i>Education Budget Alert for Fiscal Year 2005.</i> | |

Sources: NAICU *Student Aid Policy Handbook*. March 21, 2003 and The Committee for Education Funding. *Education Budget Alert for Fiscal Year 2004.*



Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)

What is GEAR UP?

Enacted as part of the *Higher Education Amendments of 1998*, P.L. 105–244, the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) was created to encourage more young people from low-income families to consider and prepare early for college. The program supports outreach to students, including sharing information about financial aid, and helps students get consistent support and advice on what they need to prepare for college. The matching grants are a national effort to encourage high expectations for entire grades of youth in low-income communities. These five-year grants fund programs that start in middle school and continue through high school.

Senate Democrats are committed to providing federal resources to help expand access to college for low-income youth, enhancing national interests by making sure more people attend college and have the skills necessary for success in the modern workplace. Federal support helps stimulate state and local efforts to ensure that students know what courses they need to take, what procedures they need to follow, and what resources can help them get into — and get through — postsecondary education. In addition, by making links among elementary and secondary schools, colleges and universities, and the business and non-profit communities, the impact of the program extends beyond the universe of GEAR UP grantees and participants.

The President's budget proposal includes a request of \$298.2 million for GEAR UP, a freeze at the Fiscal Year 2004 level. At this funding level, no new partnerships would be funded, limiting the number of states, schools, and students who could benefit from the program. Senate Democrats recognize that high achieving, low-income students are not as likely to enter college as their higher income peers. Early intervention in middle and junior high schools has proven successful in helping young, low-income students get on track for college. GEAR UP programs target entire grades, not just individual students. Aware of the need to increase access to higher education for all students, Senate Democrats are committed to further investing in successful programs, including GEAR UP.

FUNDING HISTORY

| | |
|--------------------------|-----------------|
| Fiscal Year 2002 | \$285 million |
| Fiscal Year 2003 | \$293.1 million |
| Fiscal Year 2004 | \$298.2 million |
| Fiscal Year 2005 Request | \$298.2 million |

Source: The Committee for Education Funding. *Education Budget Alert for Fiscal Year 2005*.

Source: The Committee for Education Funding. *Education Budget Alert for Fiscal Year 2004 and 2005*.

Federal TRIO Programs

What are Federal TRIO programs?

TRIO programs in the *Higher Education Act* help low-income, first-generation college students attend and complete college. Federal funds are used to operate five programs for students: Educational Opportunity Centers, the McNair Postbaccalaureate Program, Student Support Services, Talent Search, and Upward Bound. Talent Search and Upward Bound help high school students prepare for college by providing information about admissions and financial aid, tutoring, and extended learning opportunities. Student Support Services help students stay in college and graduate by providing remedial instruction, tutoring, and counseling. The McNair Postbaccalaureate Achievement Program encourages low-income and minority students to prepare for doctoral studies. Educational Opportunity Centers serve low-income adults who view postsecondary education as the route to job security and employment opportunities. TRIO programs also provide postsecondary education information, counseling, and other services for students. Federal funds are also used to provide program evaluations and administration and continuing education services for TRIO staff.

Over 2,700 TRIO projects are in operation at more than 1,200 higher education institutions and 100 community agencies. In Fiscal Year 2004, TRIO projects will serve over 873,000 students, two-thirds of whom are from families with incomes below 150 percent of the poverty level and in which neither parent has graduated from college. Thirty-seven percent of TRIO students are white, 35 percent are African American, 19 percent are Hispanic, 4 percent are Native American, and 5 percent are Asian American. Approximately 16,000 TRIO students are disabled, and 7,000 are military veterans.

Presently, TRIO only serves about seven percent of eligible youth and adults, yet demographic trends show that more low-income students will be moving through the education system in the next decade. Furthermore, more disadvantaged students will need the academic instruction and supportive services provided by TRIO to help them meet the higher academic standards required by the NCLB. Unfortunately, the President's Fiscal Year 2005 budget proposal freezes funding for TRIO. Senate Democrats are committed to strengthening TRIO.

FUNDING HISTORY

| | |
|--------------------------|-----------------|
| Fiscal Year 2002 | \$802.5 million |
| Fiscal Year 2003 | \$827.1 million |
| Fiscal Year 2004 | \$832.6 million |
| Fiscal Year 2005 Request | \$832.6 million |

Source: The Committee for Education Funding. *Education Budget Alert for Fiscal Year 2005.*

Source: The Committee for Education Funding. *Education Budget Alert for Fiscal Year 2005.*



Higher Education Tax Credits and Deductions

Below is a brief description of existing higher education tax credits and deductions, including changes and additions as a result of *The Economic Growth and Tax Relief Reconciliation Act of 2001*. The Act includes higher education tax incentives such as student loan deductions and loan forgiveness. The focus of this fact sheet is on tax provisions designed to help students pay college tuition while in school.

Tax Credits and Deductions

Hope Scholarship and Lifetime Learning Tax Credits. The HOPE and Lifetime Learning tax credits were introduced as part of the *Taxpayer Relief Act of 1997*. The HOPE credit is for undergraduates in their first two years of postsecondary education. In 2001, the maximum credit was \$1,500. As of 2002, the maximum credit was indexed to inflation. Students enrolled in any year of postsecondary education can claim the Lifetime Learning credit. The maximum credit is \$2,000. Only one credit can be claimed per student in any tax year.

Both tax credits are non-refundable so a student must have income tax liability to claim them and the amount of the credit cannot exceed the filer's tax liability. They are targeted to lower- and middle-income students. Both credits phase out between \$40,000 and \$50,000 for single filers and between \$80,000 and \$100,000 for joint filers. (These income thresholds are indexed to inflation as of 2002.) The tax credit can be used for tuition and required fees. The amount of qualified expenses is reduced by receipt of scholarships, Pell grants, veteran's educational benefits, or employer-provided tuition reimbursements. The Joint Committee on Taxation estimated that these two credits would cost \$4.3 billion in Fiscal Year 2002.

Higher Education Deduction. The Higher Education Deduction was enacted through *The Economic Growth and Tax Relief Reconciliation Act of 2001*. This is an above-the-line deduction that reduces the taxpayer's adjusted gross income. The deduction has higher income limits than the education tax credits. In 2002 and 2003, individuals with modified adjusted income of up to \$65,000 and joint filers up to \$130,000 could take the maximum deduction per return of \$3,000. In 2004 and 2005, the maximum deduction rises to \$4,000 with the same income limits. In addition, individuals with modified gross income of more than \$65,000 but less than \$80,000 and joint filers with modified gross income of more than \$130,000 but less than \$160,000 will be eligible for a \$2,000 deduction. The deduction can be used for tuition and fees in any year of postsecondary education. The deduction is set to expire on January 1, 2006. The Joint Committee on Taxation estimates that the deduction will cost \$1.5 billion in Fiscal Year 2002.

Tax-Advantaged Savings Accounts

Coverdell Education Savings Accounts. Formerly known as education IRAs, Coverdell education savings accounts are tax-advantaged personal investment accounts for education expenses including tuition, room and board, and books. Contributions to an account are not deductible, but distributions are not taxed. *The Economic Growth and Tax Relief Reconciliation Act of 2001* made several changes to current law that became effective on January 1, 2002.

Coverdell accounts can be used for any year of education – kindergarten through college. The annual contribution limit per beneficiary has been raised to \$2,000. This maximum contribution amount phases out for individuals with modified adjusted gross income between

\$95,000 and \$110,000 and for joint filers between \$190,000 and \$220,000. Students can receive a Coverdell distribution and claim a HOPE or Lifetime Learning credit in the same year but not for the same expenses.

Contributions can be made to a Coverdell account and a qualified tuition savings plan in the same year. Taxpayers cannot take the higher education deduction for expenses paid for with funds from a Coverdell account. Funds from a traditional or Roth IRA can be used for qualified higher education expenses without having to pay a penalty for early withdrawal. The funds are taxed as income, however. The Joint Committee on Taxation estimates the exclusion of earnings for donations to Coverdell accounts will cost \$300 million in Fiscal Year 2002.

Qualified Tuition Savings Plans (QTPs). Two types of qualified tuition savings plans exist: prepaid tuition plans and college savings plans. In a *prepaid tuition plan* individuals purchase tuition credits at current prices at eligible postsecondary schools. *College savings plans* are state-sponsored investment accounts that can be used for any institution of higher education. QTPs are state-run so there is considerable variation from state to state. About 22 states have prepaid tuition plans and 46 states have college savings plans. The *Economic Growth and Tax Relief Reconciliation Act of 2001* allows private institutions to establish prepaid tuition plans.

In most states, there is no income limit for contributors. Earnings accumulate tax-free and, as of January 1, 2002, there is no federal income tax on withdrawals from state-sponsored QTPs. The funds can be used for qualified higher education expenses which include tuition, fees, books, supplies, and equipment required for enrollment or attendance, and reasonable costs for room and board for students attending at least half-time.

Contributors can establish accounts for the same student in several states. Contributions can be made to a Coverdell account and a QTP in the same year. A HOPE or Lifetime Learning credit can be claimed in the same year as a withdrawal from a QTP but they cannot be used for the same expenses. Taxpayers cannot take the higher education deduction for any expenses paid with funds from a QTP withdrawal.

Distributions from a prepaid tuition plan reduce the student's cost of attendance in the calculations for federal financial aid. However, assets in a college savings plan owned by someone other than the student's parent (e.g. grandparent) are not reported on the Free Application for Federal Student Aid (FAFSA).

Changes in federal tax treatment of QTPs that are the result of *The Economic Growth and Tax Relief Reconciliation Act of 2001* are slated to sunset on December 31, 2010. The Joint Committee on Taxation estimates the exclusion of earnings on contributions to QTPs will cost \$50 million in Fiscal Year 2003, but that the cost will reach over \$250 million by Fiscal Year 2010.

Source: *Slamming Shut the Doors to College – The State Budget Crisis and Higher Education.* A Congressional Report prepared by the Democratic Staffs of: Senate Committee on Health, Education, Labor, and Pensions; Senate Subcommittee on Education Appropriations; House Committee on Education and the Workforce; and House Committee on Appropriations, with additional analysis by the Joint Economic Committee Democratic Staff.



Minority–Serving Institutions

What are Minority–Serving Institutions (MSIs)?

Historically Black Colleges and Universities (HBCUs), Hispanic Serving Institutions (HSIs), Tribal Colleges and Universities (TCUs), and other predominantly black institutions, which collectively are known as Minority–Serving Institutions (MSIs), represent some of the nation’s most important but underserved postsecondary education resources. Combined, more than 1.8 million students are educated by these institutions.¹⁰⁸

Demographic projections show that these minority communities are the fastest–growing in the nation. Thus, many Senate Democrats understand that MSIs must be recognized as a leading voice for the underrepresented populations that are the main focus of most *Higher Education Act* (HEA) programs. MSIs educate large numbers of the nation’s emerging majority populations students, many of whom come from low–income educationally disadvantaged backgrounds. These students find that MSIs offer a unique educational experience that fosters their cultural values and traditions, promotes civic and community responsibility, and produces educated people who are attuned to the increasingly diverse country in which we live.¹⁰⁹

MSIs also represent one of the fastest–growing sectors of American higher education. Enrollment has grown at all three groups of MSIs, increasing by an average of 22 percent between 1990 and 2000. By comparison, the average rate of enrollment growth in U.S. institutions of higher education during this same period was only nine percent.¹¹⁰

What are Historically Black Colleges and Universities (HBCUs)?

Established in 1837, Historically Black Colleges and Universities (HBCUs) have provided African Americans access to higher education. Noted for their contributions in educating “black, low–income and educationally disadvantaged Americans,” 105 HBCUs constitute the class of institutions that satisfy the definition of the term “HBCU.” Title III of the *Higher Education Act of 1965*, as amended, defines HBCUs as: (1) institutions whose principal mission were, and are, the education of black Americans; (2) institutions that are accredited by a nationally recognized accrediting agency or association; and, (3) institutions that were established prior to 1964.¹¹¹ Unlike other institutions in the black college and university community, which are characterized by their enrollment or racial composition, HBCUs are defined law and in practice as being historically black. Predominantly black colleges are distinguishable from HBCUs in that they are defined by racial composition of their enrollment, which is subject to change. The statute defines HBCUs as institutions established before 1964 to coincide with the enactment of the *Civil Rights Act of 1964*. The universe of HBCUs includes two– and four–year, public and private, single–sex and co–ed institutions, located primarily in southern states. These schools enroll over 13 percent of all African American students nationwide. HBCUs also vary demographically. Although HBCUs’ student populations are primarily black, the institutions enroll significant numbers of non–black students.¹¹²

HBCUs enroll upwards of 370,000 students and graduate a significant share of all African Americans receiving degrees. While comprising only three percent of the nation’s 3,688 institutions of higher learning, the 105 HBCUs are responsible for producing approximately 23 percent of all bachelor’s degrees, 13 percent of all master’s degrees and 20 percent of all first professional degrees earned by African Americans annually.¹¹³ Black colleges and universities are an unwavering symbol of freedom in education for many African Americans. Their strengths and stability account for the perpetual rise of intellectuals, professionals, and creative artists so evident throughout black communities and American society as a whole.



HBCUs will be relied upon to appropriate new technologies, curricula, and standards, granting every student the broadest opportunity for academic proficiency. Without question, HBCUs are prepared to meet these challenges. Each institution will continue to play a leading role in the crusade for social change throughout the world. Senate Democrats support realistic increases in funding for HBCUs given their historic and current importance to nearly a half million students.

What are Hispanic Serving Institutions (HSIs)?

Hispanics have become the largest minority group in the United States and now represent approximately 13 percent of the country's population. They account for about half of the population growth in recent years and are expected, given immigration and their relatively high fertility rates, to represent a much larger share of the population and work force in years to come. Of the 5.6 million additional school-age children projected to be living in the United States in 2025, some 5.2 million, or 93 percent, will be Hispanic, according to the U.S. Census Bureau. Along with growing rapidly, the nation's Hispanic population is spreading out, quickly moving into communities in the South and Midwest where few Hispanics had settled before.¹¹⁴

Serving 1.8 million students¹¹⁵ (874,270 Hispanic students), Hispanic Serving Institutions (HSIs) are degree-granting institutions where 25 percent or more of full-time undergraduate students are U.S. citizens and of Hispanic descent.¹¹⁶ In 2002, approximately 230 HSIs were located in 12 states and Puerto Rico.¹¹⁷ Since 1992, Congress has recognized campuses with high Hispanic enrollments as federally-designated HSIs and targeted these colleges and universities for federal funding to increase Hispanic enrollment and degree attainment. In 2003, \$93 million was awarded to HSIs under Title V of the *Higher Education Act*.

In the past decade, more than 240 colleges have been designated "Hispanic Serving Institutions" by the federal government. While 49 of the institutions are in Puerto Rico, California has 73; Texas, 38; New Mexico, 20; and Arizona, Florida, Illinois, and New York each have at least ten. Other institutions are located in Colorado, Massachusetts, New Jersey, Oklahoma, Oregon, and Washington. The list grows by about a half-dozen colleges each year.¹¹⁸ Senate Democrats support increased resources for HSIs given their importance to educating the Hispanic segment of American society.

What are Tribal Colleges and Universities (TCUs)?

Tribal Colleges and Universities have been responding to the higher education needs of Native Americans for over 30 years and typically serve geographically isolated populations that have limited or no means of accessing education beyond high school. Native Americans living on reservations where most Tribal Colleges are located face high unemployment rates, low educational attainment, high suicide rates, high death rates from alcohol-related causes, cultural and language differences, geographic isolation, and many other challenges. Postsecondary education and degree attainment is low; therefore, college participation, retention, and degree completion remain critical issues for Native Americans.¹¹⁹

In 1968, the Navajo Nation created the first tribally controlled college, Navajo Community College, in Tsaile, Arizona. Other Tribal Colleges were soon established in California, North Dakota, and South Dakota. Serving approximately 30,000 full- and part-time students from over 250 federally recognized tribes, 34 Tribal Colleges and Universities of 12 states,¹²⁰ share several commonalities: most of these institutions are less than 25 years-old; have relatively small student bodies that are predominantly Native American; are located on remote reservations, with limited access to other colleges; were chartered by one or more



tribes, but maintain their distance from tribal governments; have open admissions policies; and began as two-year institutions.¹²¹ The vast majority of TCUs are accredited by independent, regional accreditation agencies and like all institutions of higher education, must undergo stringent performance reviews on a periodic basis. In addition to college level programming, tribal colleges provide much-needed high school completion (General Educational Development or GED), basic remediation, job training, college preparatory courses, and adult education. Tribal colleges fulfill additional roles within their respective communities functioning as community centers, libraries, tribal archives, career and business centers, economic development centers, public meeting places, and child care centers. An underlying goal of tribal colleges is to improve the lives of students through higher education and to move Native Americans toward self-sufficiency.¹²²

Senate Democrats support adequate resources for TCUs given their historic and current importance to thousands of students.

Senate Democratic Commitment to MSIs

Senate Democrats are committed to strengthening the capacity of MSIs in part, by expanding the scope and authorization levels of Titles III and V to ensure the continued development and growth of MSIs. Senate Democrats encourage improvements in the infrastructure and application of information technology at MSIs by increasing investments in technology infrastructures at MSIs including the hardware, software, and systems that drive technology. Democrats equally understand the need for investment in the application of technology at MSIs including training, upkeep, and use of technology as a teaching and learning tool. Democrats are committed to developing new graduate-level opportunities to enhance the capacity of MSIs to train future faculty and senior institutional leaders — a group underrepresented in many advanced degree fields. Democrats want to expand support for international education at MSIs under Title IV — an education experience that has historically been quite limited for students served by MSIs. The creation of and links to more programs outside of the United States would assist MSIs in building relationships with foreign institutions and governments, foster greater understanding among diverse populations, and enhance the likelihood that students at MSIs would be considered for employment in international positions. Such programs would dramatically expand the international career horizons of the nation's emerging majority populations and contribute to the country's international competitiveness.¹²³

Endnotes

- ¹⁰⁸ Testimony of Jamie P. Merisotis, President, Institute for Higher Education Policy at a Committee on Health, Education, Labor and Pensions (HELP) Committee hearing, *Promoting Access to Postsecondary Education: Issues for the Reauthorization of the Higher Education Act*, October 16, 2003.
- ¹⁰⁹ Testimony of Jamie P. Merisotis.
- ¹¹⁰ Testimony of Jamie P. Merisotis.
- ¹¹¹ The United Negro College Fund. 108th Congress, 1st Session Legislative Agenda.
- ¹¹² Ibid.
- ¹¹³ Ibid.
- ¹¹⁴ Schmidt, Peter, "Academe's Hispanic Future," *The Chronicle of Higher Education*, L14, November 28, 2003: A8.
- ¹¹⁵ Digest of Education Statistics, 2002, <http://nces.ed.gov/programs/digest/d02/tables/dt218.asp>
- ¹¹⁶ Stearns, Christina, Satoshi Watanabe, and Thomas D. Snyder, National Center for Education Statistics (NCES), U.S. Department of Education, Office of Educational Research and

Improvement 2002–051, *Hispanic Serving Institutions — Statistical Trends from 1990 to 1999*, September 2002, <http://nces.ed.gov/pubs2002/2002051.pdf>

- 117 National Association for Bilingual Education (NABE), 2004.
- 118 Schmidt, Peter, "Academe's Hispanic Future," *The Chronicle of Higher Education*, L14, November 28, 2003: A8.
- 119 American Indian Higher Education Consortium, The Institute for Higher Education Policy. *Tribal Colleges — An Introduction*.
- 120 American Indian Higher Education Consortium. *Summary of Priorities for the Tribal Colleges and Universities*, 108th Congress, Second Session — Fiscal Year 2005.
- 121 Ibid.
- 122 Ibid.
- 123 Testimony of Jamie P. Merisotis.



Native Americans and Education

Head Start. Head Start is a highly—successful federal—to—local grant program that provides early childhood education and services, including health, nutrition, and social and behavioral development for low-income preschool children and their families. This program has been extremely successful in Indian Country, but much more can be done. Increases in funding in the following areas would improve the success of Indian Head Start programs: transportation services, professional development, training and technical assistance, and upgrading Head Start facilities. The President has proposed to allow states to take Head Start funding in a block grant. Democrats, as well as tribal leaders, are concerned about the potential negative implications of this proposal for programs in tribal communities.

No Child Left Behind. Despite important advances in education in Indian Country, the education of Native Americans in schools is at a critical juncture given the current national emphasis on accountability, standards, and assessment in education. While many Native American students are academic successes, many other Native Americans continue to face systemic barriers to success in the classroom. The *No Child Left Behind Act of 2001* (NCLB) mandates student proficiency in reading, math, and science as measured by student academic achievement test scores. The NCLB goal of having all students proficient in these content areas by the school year 2013–2014 highlights the need for new, immediate, and meaningful strategies to improve Indian children's education.

Large disparities exist between Native American students and the rest of the population in the area of education. Schools funded by the Bureau of Indian Affairs (BIA) have notoriously inadequate facilities and, on average, have the lowest levels of student achievement among publicly-funded schools. Significant backlogs exist in both facility repairs and new construction. BIA estimates the backlog in education facility repair and construction at \$709 million. Despite school construction and renovation needs, the President's Fiscal Year 2005 budget actually *cuts* funding for the reconstruction of schools. The Administration has also encouraged privatization of BIA-operated schools which undermines the trust responsibility between the government and tribes. Senate Democrats are committed to enhancing education in Indian Country.

Impact Aid. Impact Aid affects Indian children living on or near tribal lands and children of military families living on or near military bases. Specifically, Impact Aid provides resources to public schools whose tax bases are reduced because of federal activities including the presence of an Indian Reservation. Impact Aid and grants to local educational agencies (LEAs) which serve Indian children are funded under the Department of Education, through the Labor–Health and Human Services (HHS)–Education Appropriations bill. Numerous public school districts across the country receive assistance through this program; many of them serve significant numbers of Native American students, although BIA-funded schools do not receive Impact Aid. For Fiscal Year 2005, the President has proposed level funding for the Impact Aid program at \$1.11 billion. The Fiscal Year 2004 appropriations increased funding by 3.5 percent over the Fiscal Year 2003 appropriations.

Tribal Colleges and Universities (TCUs). Tribal Colleges and Universities have been responding to the higher education needs of Native Americans for over 30 years and typically serve geographically isolated populations that have limited or no means of accessing education beyond high school. Native Americans living on reservations where most Tribal Colleges are located face high unemployment rates, low educational attainment, high suicide rates, high death rates from alcohol-related causes, cultural and language differences, geographic isolation, and many other challenges. Postsecondary education and degree attainment is low; therefore, college participation, retention, and degree completion remain critical issues for Native Americans.

Senate Democrats are fighting to enhance the education of Native Americans. For example, Senator **Daschle** recently urged the Senate Indian Affairs Committee to address problems affecting education in Indian country: delayed delivery of funding and support necessary to implement the NCLB law and operate BIA schools; proposals to cut personnel responsible for local school district funding in the Office of Indian Education; proposed changes that would authorize the Secretary of Education to close or consolidate BIA-funded schools without consultation with tribal government bodies; and the school construction backlog that has left many school facilities in a state of disrepair.



Workforce Investment Act of 2003 (WIA)

Senate Democrats are committed to strengthening the *Workforce Investment Act of 2003* which would consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs.

This bill would ensure better service for workers to meet the challenges of the 21st Century workforce:

Services and job training for workers until they meet self-sufficiency. The new WIA would help workers reach economic self-sufficiency. The self-sufficiency standard is a locally determined figure that takes into consideration the cost of living in an area and the size of the family to determine income levels for eligibility to participate. Too many workers lack the skills necessary to fill open positions in higher-wage jobs — a frustration for workers and employers who cannot fill positions due to a shortage of qualified workers. WIA would continue to serve workers long after their first job, until they can qualify for jobs that pay wages and benefits that enable them to support themselves and their families. In 2002, 39 percent of working single mothers lived in poverty, often working two jobs to make ends meet. This law would offer services and direct training to workers who are employed but not at self-sufficient wage-levels.

Local areas to engage in incumbent worker training programs. Under current law, a state may use statewide activity funds to provide training through employers to low-skilled employees. This bill would continue the statewide allowable activity and for the first time allow local areas to spend up to ten percent of their Adult funds under WIA to provide incumbent workers training. We know that too many workers lack the skills to compete for high-wage jobs. This program would allow employers to provide specific programs to enhance literacy, improve English language acquisition, and develop specific skills that improve workers' skills in their current jobs, enabling them to advance to better paying jobs.

New opportunities to provide customized training. The bill would allow states and local areas to work with area business leaders to provide customized skills training, helping businesses stay competitive; assisting workers in keeping their jobs when industrial standards or certification needs change; and enabling local areas to link job training with economic development by attracting new businesses to the area.

Ensuring universal access. This bill would specify physical and programmatic accessibility for those persons who would require adaptations in order to take advantage of the services offered at One-Stop Centers and through the workforce system. (One-Stop Centers provide a variety of services to assist individuals to meet their employment and training needs, while also helping local employers meet their needs for qualified personnel. Each state is required to have at least one comprehensive center that is physically located in each local service delivery area.)

By expanding the definition of hard-to-serve populations to include displaced homemakers, low-income individuals, Native Americans, individuals with disabilities, older individuals, ex-offenders, homeless individuals, LEP individuals, and individuals who are within two years of exhausting their TANF eligibility, the workforce and employers are forced to meet the needs of those people who are left behind in this economy.

Maintaining the balance between state and local authority. The State Workforce Board would continue to make statewide policy and oversee the implementation of the state plan; each local area would continue to be led by the lead local elected official and would certify training providers and One-Stop Centers established under WIA.

Local areas would have a year to arrange the funding for the One-Stop infrastructure through a Memorandum of Understanding (MOU) with each mandatory partner. If a local



area could not work out the funding issues, the Governor would establish a formula taking up to three percent from the WIA funded partners and 1.5 percent from the non-WIA mandatory partners to fund One-Stop Centers that deliver workforce training. All allocations would be based on proportionate use of the training services. Due to the unique needs of the disabilities community, Vocational Rehabilitation (a mandatory partner) will begin with up to a .75 percent contribution and gradually work up to the 1.5 percent as access and usage by disabled workers improves.

Retaining the integrity of four separate funding streams. This bill would contain no block grant and no block grant pilot. The four funding streams – youth, adult, dislocated worker, and Wagner-Peyser – would continue to ensure that each population receives the best services possible.

Continuing the non-discrimination provisions. While faith-based providers offer an important service to their communities, it is critical that these providers hire the best staff and not use religion as a condition of hiring staff with federal funds.

Continuing to serve in-school and out-of-school youth. Although this bill would increase the percentage of out-of-school students served from 30 percent to 40 percent of youth funded, it would maintain the local and state ability to serve young people 14 to 21 years-old.

Senate Democrats support WIA programs because they help people secure jobs and increase their incomes. In the WIA Adult program, participants experienced an average increase in wages of 29 percent, from \$14,227 before the program to \$18,334 after completion (Women's Industrial Union Study, 2002). In addition, 82 percent of dislocated workers were able to find a job after using the program. These workers earned 91 percent of their previous wages.



14

The Historic Democratic Commitment to Education

Democrats have long been committed to improving educational opportunity in this country. Democrats have worked arduously over the past few years to address the challenges facing our schools and to help all students realize the dream of a college education. In addition, Democrats have opposed Republican attempts to cut funding for education and implement private school voucher schemes.

Key Senate Education Votes in the 107th and 108th Congresses

107th Congress

First Budget Resolution, 2002 (H. Con. Res. 83), vote no. 69, 04/04/2001. **Harkin**, et al., amendment (to Domenici substitute amendment): Increases Function 500 (Education, Training, Employment, and Social Services) by \$250 billion in budget authority and \$224 billion in outlays in Fiscal Year 2002–2011; and, over the same period, reduces federal debt by \$224 billion and the size of the tax cut by \$448 billion. (53–47) [R: 4–46; D: 49–1]

First Budget Resolution, 2002 (H. Con. Res. 83), vote no. 82, 04/05/2001. **Breaux–Jeffords** amendment (to Domenici substitute amendment): Increases Function 500 (Education) by \$70 billion in new budget authority and outlays in Fiscal Year 2002–2011; assumes funding will be used for IDEA; and offsets by reducing proposed tax cut. (54–46) [R: 5–45; D: 49–1]

Elementary and Secondary Education Act Reauthorization (H.R. 1), vote no. 91, 05/03/2001. **Dodd**, et al., amendment (to Jeffords–**Kennedy** substitute amendment): Authorizes full funding of grants to local educational agencies under Title I of ESEA over 10 years. (79–21) [R: 29–21; D: 50–0]

Elementary and Secondary Education Act Reauthorization (H.R. 1), vote no. 94, 05/08/2001. **Kennedy** amendment (to Jeffords–**Kennedy** substitute amendment): Expresses sense of Senate that Congress should provide \$3 billion in Fiscal Year 2002 to carry out part A, Title II of ESEA to: (1) provide that schools, local educational agencies, and states have resources sufficient to put highly–qualified teachers in every classroom in each school in which 50 percent or more of children are from low–income families, over next four years, (2) provide 125,000 new teachers with mentors and year–long supervised internships, and (3) provide high–quality pedagogical training for every teacher in every school; and authorizes funding for teacher quality provisions as follows: \$3.5 billion in 2003, \$4 billion in 2004, \$4.5 billion in 2005, \$5 billion in 2006, \$5.5 billion in 2007, and \$6 billion in 2008. (69–31) [R: 19–31; D: 50–0]

Elementary and Secondary Education Act Reauthorization (H.R. 1), vote no. 96, 05/09/2001. **Mikulski–Kennedy** amendment (to Jeffords substitute amendment):



Authorizes Office of Education Technology to award competitive grants, contracts, or cooperative agreements in order to create 1,000 community technology centers for disadvantaged residents of distressed urban or rural communities; and authorizes \$100 million in Fiscal Year 2002 and such sums as necessary for each of following six fiscal years. (50–49) [R: 1–49; D: 49–0]

Elementary and Secondary Education Act Reauthorization (H.R. 1), vote no. 99, 05/10/2001. **Wellstone** amendment (to Jeffords substitute amendment): Authorizes \$200 million in Fiscal Year 2002 and such sums as necessary in following six fiscal years for grants to enable states and local educational agencies to work with institutions of higher education and others to improve quality and fairness of state assessment systems beyond basic requirements; requires states to provide Education Secretary with evidence from test publishers that their assessment tests meet Act's requirements; and requires itemized score analyses to be provided to schools and local educational agencies in manner that permits parents, teachers, schools and local educational agencies to determine and address academic needs of individual students. (50–47) [R: 2–46; D: 48–1]

Elementary and Secondary Education Act Reauthorization (H.R. 1), vote no. 100, 05/10/2001. **Lincoln** amendment (to Jeffords substitute amendment): Expresses sense of Senate that Congress should appropriate \$750 million in Fiscal Year 2002 to carry out parts A and D of Title III (*Bilingual Education Act*) of *Elementary and Secondary Education Act* (ESEA), thereby providing: (1) that schools, local educational agencies, and states have necessary resources to assist all limited English proficient students in attaining proficiency in English language, and meeting same challenging state content and student performance standards that all students are expected to meet in core academic subjects, (2) for development and implementation of bilingual education programs and language instruction education programs that are tied to scientifically-based research, and that effectively serve limited English proficient students, (3) for development of programs that strengthen and improve professional training of educational personnel who work with limited English proficient students, and (4) funding levels as follows: \$1.1 billion in 2003, \$1.4 billion in 2004, \$1.7 billion in 2005, \$2.1 billion in 2006, \$2.4 billion in 2007, and \$2.8 billion in 2008. (62–34) [R: 15–33; D: 47–1]

Elementary and Secondary Education Act Reauthorization (H.R. 1), vote no. 102, 05/14/2001. **Cleland–DeWine–Levin** amendment (to Jeffords–**Kennedy** substitute amendment): Establishes National Center for School and Youth Safety; specifies that center shall offer emergency assistance to local communities to respond to school safety crises, including counseling for victims and community, assistance to law enforcement to address short-term security concerns, and advice on how to enhance school safety, prevent future incidents and respond to future incidents; and requires center to establish toll-free telephone number for students to report criminal activity, threat of criminal activity, and other high-risk behaviors such as substance abuse, gang or cult affiliation, depression, or other warning signs of potentially violent behavior. (74–23) [R: 27–23; D: 47–0]

Elementary and Secondary Education Act Reauthorization (H.R. 1), vote no. 103, 05/15/2001. **Kennedy** (for **Murray**), et al., amendment (to Jeffords–**Kennedy** substitute amendment): Authorizes \$2.4 billion in Fiscal Year 2002 for federal program to assist states and local educational agencies to recruit, hire, and train 100,000 new teachers in order to reduce class sizes in early grades to national average of 18 students per classroom; and authorizes such sums as necessary in each of 2003–2008. (48–50) [R: 0–50; D: 48–0]

Elementary and Secondary Education Act Reauthorization (H.R. 1), vote no. 105, 05/16/2001. **Boxer–Ensign–Dodd** modified amendment (to Jeffords–**Kennedy** substitute amendment No. 358): Authorizes \$2 billion in Fiscal Year 2003 to carry out after-school programs; provides following authorization levels for programs: \$2.5 billion for Fiscal Year



2004, \$3 billion for Fiscal Year 2005, \$3.5 billion for Fiscal Year 2006, \$4 billion for Fiscal Year 2007, and \$4.5 billion for Fiscal Year 2008; and expresses sense of Senate that Congress should continue toward goal of providing necessary funding for after-school programs by appropriating authorized level of \$1.5 billion for Fiscal Year 2002 to carry out part F Title I of ESEA, and that this funding should be benchmark for future years in order to reach goal of providing academically enriched activities during after-school hours for seven million children in need. (60–39) [R: 11–39; D: 49–0]

Elementary and Secondary Education Act Reauthorization (H.R. 1), vote no. 106, 05/16/2001. **Reed**, et al., amendment (to the Jeffords–**Kennedy** substitute amendment): Permits \$500 million of funds under the Reading First program to be used for school library improvements in Fiscal Year 2002 and in each of next six fiscal years; provides districts and schools with the flexibility to meet school library needs such as up-to-date books, and technology to support research-based reading programs; and targets funding to children in highest poverty and highest needs schools. (69–30) [R: 20–30; D: 49–0]

Elementary and Secondary Education Act Reauthorization (H.R. 1), vote no. 108, 05/16/2001. **Harkin**, et al., amendment (to Jeffords–**Kennedy** substitute amendment): Authorizes \$1.6 billion in Fiscal Year 2002 for grant program to help local educational agencies repair and renovate their public elementary and secondary schools; and authorizes such sums as necessary for each of years 2003–2006. (49–50) [R: 1–49; D: 48–1]

Reconciliation (Tax Cut) (H.R. 1836, P.L. 107–16), vote no. 113, 05/17/2001. Hutchison–Brownback amendment: Begins phase-out of marriage penalty in standard deduction in 2002 instead of 2005; and offsets by reducing deduction for higher education. (27–73) [R: 25–25; D: 2–48]

Reconciliation (Tax Cut) (H.R. 1836, P.L. 107–16), vote no. 121, 05/21/2001. **Wellstone** motion to waive Budget Act to permit consideration of **Wellstone** motion to commit bill to Finance Committee with instruction to report bill back with a reserve fund for federal education programs. (41–58) [R: 0–49; D: 41–9]

Reconciliation (Tax Cut) (H.R. 1836, P.L. 107–16), vote no. 130, 05/21/2001. **Kennedy** motion to waive Budget Act to permit consideration of **Kennedy–Dodd–Johnson** amendment: Provides that reduction of top marginal income tax rate will take effect only if funding for programs in **S.1, Better Education for Students and Teachers (BEST) Act**, is provided at levels authorized in amendments to that bill. (48–51) [R: 2–47; D: 46–4]

Reconciliation (Tax Cut) (H.R. 1836, P.L. 107–16), vote no. 143, 05/22/2001. **Carper** motion to waive Budget Act to permit consideration of **Carper–Landrieu** amendment: Reduces taxes by \$1.2 trillion; and makes additional \$150 billion available for investments in education. (43–55) [R: 2–47; D: 41–8]

Reconciliation (Tax Cut) (H.R. 1836, P.L. 107–16), vote no. 153, 05/22/2001. **Kennedy** motion to waive Budget Act to permit consideration of **Kennedy–Corzine–Cantwell** amendment: Conditions reduction in top marginal income tax rate on sufficient funding being provided to increase maximum Pell grant to \$4,250 for 2002–2003 school year, and \$400 in each following school year through 2010–2011 school year (providing maximum Pell grant of \$7,450 for 2010–2011 school year). (45–54) [R: 0–50; D: 45–4]

Reconciliation (Tax Cut) (H.R. 1836, P.L. 107–16), vote no. 154, 05/22/2001. **Kennedy** motion to waive Budget Act to permit consideration of **Kennedy–Corzine** amendment: Conditions reduction of top marginal income tax rate in 2005 and 2007 on Health and Human Services (HHS) Secretary certifying that Head Start has been provided enough funding to allow every eligible child to participate in program. (45–54) [R: 0–50; D: 45–4]

Reconciliation (Tax Cut) (H.R. 1836, P.L. 107–16), vote no. 157, 05/22/2001. **Harkin** motion to waive Budget Act to permit consideration of **Harkin**, et al., amendment: Provides



50 percent tax credit for any education loans paid by individuals employed as K–12 teachers, Head Start teachers, nurses, and those individuals working in areas defined by HHS as professional shortage areas; caps credit at \$2,000; and offsets by reducing 39.6 percent rate cut. (43–56) [R: 0–50; D: 43–6]

Elementary and Secondary Education Act Reauthorization (H.R. 1), vote no. 171, 06/06/2001. **Wellstone**, et al., modified amendment (to **Jeffords–Kennedy** substitute amendment): Requires one-time peer review bonus payments to be awarded at end of 2006–2007 school year to states that develop high quality tests of students in grades three through eight; and requires Education Secretary to make awards to states that develop assessments that most successfully assess range and depth of student knowledge. (57–39) [R: 7–38; D: 50–1]

Elementary and Secondary Education Act Reauthorization (H.R. 1), vote no. 179, 06/12/2001. **Gregg–Hutchinson** amendment (to **Jeffords–Kennedy** substitute amendment): Authorizes \$50 million in Fiscal Year 2002, and such sums as necessary in each of next six fiscal years, for school voucher demonstration program; makes low-income parents eligible to receive education vouchers for cost of enrolling their eligible children in “choice school,” defined as any public or private school; specifies that demonstration program shall include 10 cities; reserves five percent of authorized funds to evaluate program; and establishes lottery system for choosing children to receive vouchers. (41–58) [R: 38–11; D: 3–47]

Elementary and Secondary Education Act Reauthorization (H.R. 1), vote no. 186, 06/13/2001. **Schumer–Boxer** amendment (to **Jeffords–Kennedy** substitute amendment): Expresses sense of Senate that Congress should appropriate all funds authorized for elementary and secondary education in Fiscal Year 2002. (49–50) [R: 2–47; D: 47–3]

108th Congress

Omnibus Appropriations, 2003 (H.J. Res. 2, P.L. 108–8), Vote No. 5, 1/16/03. **Kennedy**, et al., amendment: Provides additional \$4.65 billion to fully fund first year of part A of Title I of *No Child Left Behind Act*; increases funding for Pell grants for college students by \$1.35 billion; and restores funding for education programs reduced by 1.6 percent across-the-board cut in legislation. (46–51) [R: 0–50; D: 46–1]

Budget Resolution, 2004 (H. Con. Res. 95), Vote No. 60, 3/19/03. **Gregg** motion to table **Murray**, et al., amendment: Increases Function 500 (Education, Training, Employment, and Social Services) by \$8.9 billion in Budget Authority in Fiscal Year 2004, and \$618 million in outlays in Fiscal Year 2004, \$6.6 billion in outlays in 2005, \$1.5 billion in outlays in 2006, and \$268 million in outlays in 2007; and offsets by reducing non-reconciliation tax cut and associated savings. (50–48) [R: 49–2; D: 1–46]

Budget Resolution, 2004 (H. Con. Res. 95), Vote No. 70, 3/21/03. **Conrad** amendment: Increases function 500 (Education, Training, Employment, and Social Services) by \$95.9 billion in budget authority and \$72.9 billion in outlays in Fiscal Year 2004–2013; creates a reserve fund of \$95.9 billion in budget authority and \$72.9 billion in outlays in Fiscal Years 2004–2013 to fully fund the *Individuals with Disabilities Education Act* (IDEA); and offsets by reducing the size of the nonreconciled tax cut. (47–52) [R: 1–50; D: 46–2]

Budget Resolution, 2004 (H. Con. Res. 95), Vote No. 86, 3/25/03. **Dodd** amendment: Increases Function 500 (Education, Training, Employment, and Social Services) by \$42.3 billion in budget authority in Fiscal Years 2004–2013 and by \$37.8 billion in outlays in Fiscal Years 2004–2013; offsets by reducing non-reconciled tax cut; and assumes additional funds will be used to increase funding for after-school programs to levels promised by *No Child Left Behind Act* and to increase funding for Head Start to serve 80 percent of eligible three and four year-olds. (48–51) [R: 0–51; D: 48–0]

Budget Resolution, 2004 (H. Con. Res. 95), Vote No. 98, 3/25/03. **Clinton–Bingaman** amendment: Increases Function 500 (Education) by \$3.6 billion in budget authority and \$3.1 billion in outlays in Fiscal Years 2003–2013; assumes additional funds will be used for vocational education programs; and offsets by reducing non–reconciled tax cuts. (49–50) [R: 1–50; D: 48–0]

Budget Resolution, 2004 (H. Con. Res. 95), Vote No. 99, 3/25/03. **Harkin** amendment: Increases Function 500 (Education) by \$24.0 billion in budget authority and \$20.7 billion in outlays in Fiscal Years 2004–2013; assumes additional funds will be used for education programs eliminated in resolution and to restore cuts to after–school, vocational education and rural education programs; and offsets by reducing unreconciled tax cut. (46–53) [R: 0–51; D: 46–2]

Tax Cut (H.R. 2, P.L. 108–27), Vote No. 164, 5/15/03. **Schumer** motion to waive Budget Act to permit consideration of **Schumer** amendment: Makes college tuition tax deduction in current law permanent; increases eligible tuition amount to \$8,000 for tax year 2003 and \$12,000 for tax year 2004 and thereafter; and offsets by slowing acceleration of top tax rate reduction so that top rate would become 37.6 percent in 2004 and 35 percent in 2006. (49–51) [R: 1–50; D: 48–1]

Tax Cut (H.R. 2, P.L. 108–27), Vote No. 174, 5/15/03. **Dodd** amendment: Eliminates ten percent dividend tax exclusion for amounts above \$500 and strikes acceleration of 38.6 percent income tax rate reduction with assumption that money saved, will be used to increase access to higher education for middle– and low–income students by expanding Hope and Lifetime Learning tax credits and Pell grants, and to provide funds for deficit reduction. (49–50) [R: 1–49; D: 48–1]

Labor–HHS–Education Appropriations, 2004 (H.R. 2660), Vote No. 322, 9/3/03. **Reid** motion to waive the Budget Act to permit consideration of the **Reid**, et al., amendment (to the Specter substitute amendment): Increases funding for various education programs by total of \$210 million including: \$20 million for dropout prevention; \$85 million for language instruction; \$6.449 million for Hispanic Serving Institutions; \$4.587 million for migrant education; \$11 million for high school equivalency program activities; \$1 million to carry out College Assistance Migrant Program (CAMP) activities; \$12.7 million for parental assistance and local family information centers; and \$69 million for migrant and seasonal Head Start programs; and offsets by decreasing Fiscal Year 2004 advances and reappropriates the funds in Fiscal Year 2003. (46–48) [R: 3–47; D: 43–1]

Labor–HHS–Education Appropriations, 2004 (H.R. 2660), Vote No. 324, 9/3/03. **Reid** motion to waive the Budget Act to permit consideration of Dayton amendment (to the Specter substitute amendment): Increases funding for parts B, C, and D of *Individuals with Disabilities Education Act* (IDEA) from \$11 billion to \$22.1 billion, allowing program to be fully-funded. (42–54) [R: 0–51; D: 42–3]

Labor–HHS–Education Appropriations, 2004 (H.R. 2660), Vote No. 329, 9/5/03. **Harkin** motion to waive Budget Act to permit consideration of **Harkin**, et. al., amendment (to the Specter substitute amendment): Provides additional \$1 billion for school construction; and offsets by decreasing Fiscal Year 2004 advances and re–appropriating funds in Fiscal Year 2003. (43–46) [R: 1–46; D: 42–0]

Labor–HHS–Education Appropriations, 2004 (H.R. 2660), Vote No. 330, 9/9/03. **Reid** motion to waive Budget Act to permit consideration of the **Byrd**, et al., amendment (to the Specter substitute amendment): Adds \$6.15 billion to the Title I grant program targeting education for the disadvantaged, raising the appropriated level for Title I to the level authorized in the *No Child Left Behind Act* for Fiscal Year 2004; and rescinds \$6.15 billion in



Fiscal Year 2004 advance appropriations in the Fiscal Year 2003 Labor–HHS appropriations bill and re-appropriates those monies in Fiscal Year 2003. (44–51) [R: 0–50; D: 44–1]

Labor–HHS–Education Appropriations, 2004 (H.R. 2660), Vote No. 331, 9/9/03. **Kennedy** motion to waive Budget Act to permit consideration of the **Kennedy** amendment (to the Specter substitute amendment): Increases education funding levels by \$2.2 billion for the following: \$1.69 billion for the federal Pell grants for an increase in the maximum grant amount from \$4,050 to \$4,500; \$115 million for Federal Supplemental Education Opportunity Grants; \$157 million for Federal Work–Study Programs; \$33.4 million for Leveraging Educational Assistance Partnership Program; \$160 million for Federal Trio Programs; \$57 million for GEAR UP Programs; \$33 million for loan cancellations under the Federal Perkins Loans; \$13.2 million for Graduation Assistance in Areas of National Need; and \$7 million for the Thurgood Marshall Legal Educational Opportunity Program. (49–46) [R: 5–45; D: 44–1]

Labor–HHS–Education Appropriations, 2004 (H.R. 2660), Vote No. 333, 9/9/03. **Dodd** motion to waive the Budget Act to permit consideration of the **Dodd**, et al., amendment (to the Specter substitute amendment): Provides an additional \$350 million for Head Start; and offsets by decreasing Fiscal Year 2004 advances and re-appropriating the funds in Fiscal Year 2003. (47–47) [R: 3–46; D: 44–1]

Labor–HHS–Education Appropriations, 2004 (H.R. 2660), Vote No. 339, 9/10/03. **Corzine**, et al., amendment (to Specter amendment): Prohibits use of funds to implement recent Education Department change in formula for establishing level of Pell grants and other loans and student financial assistance, thereby reducing aid to students in all states other than Connecticut, by reducing amount that families are assumed to pay in state and local taxes; and offsets by delaying obligation of \$200 million in NIH funding until September 30, 2004. (50–45) [R: 5–45; D: 45–0]

Labor–HHS–Education Appropriations, 2004 (H.R. 2660), Vote No. 340, 9/10/03. **Boxer** motion to waive Budget Act to permit consideration of **Boxer**, et al., amendment (to Specter substitute amendment): Provides additional \$250 million for after–school programs under *Elementary and Secondary Education Act* (ESEA), providing coverage for additional 300,000 children; and offsets by decreasing Fiscal Year 2004 advances and re-appropriating funds in Fiscal Year 2003. (46–49) [R: 2–48; D: 44–1]

Labor–HHS–Education Appropriations, 2004 (H.R. 2660), Vote No. 343, 9/10/03. **Durbin** motion to waive Budget Act to permit consideration of **Durbin**, et al., amendment (to Specter substitute amendment): Provides additional \$325 million for grants to states for teacher quality programs; provides additional \$62 million for Preparing Tomorrow’s Teachers to Use Technology; provides additional \$50 million for Mathematics and Science Partnerships program; provides additional \$12.5 million for school leadership program; and offsets by decreasing Fiscal Year 2004 advances and reappropriating funds in Fiscal Year 2003. (43–51) [R: 0–49; D: 43–2]

15

Key Education Websites***Early Childhood Education/Head Start***

Children's Defense Fund (CDF): www.childrensdefense.org
 National Head Start Association (NHSA): www.nhsa.org
 National Institute for Early Education Research (NIEER): nieer.org
 The Trust for Early Education: www.trustforearlyed.org
 National Association for the Education of Young Children (NAEYC): www.naeyc.org
 Center for Law and Social Policy: www.clasp.org
 Zero to Three: www.zerotothree.org
 I Am Your Child Foundation: www.iamyourchild.org
 Congressional Research Service (CRS): www.congress.gov
 Forum on Child and Family Statistics: www.childstats.gov
 U.S. Census Bureau: www.census.gov
 U.S. Department of Health and Human Services Administration for Children and Families:
www.acf.dhhs.gov

Elementary and Secondary Education

Achieve: www.achieve.org
 Afterschool Alliance: www.afterschoolalliance.org
 Alliance for Excellent Education (AEE): www.all4ed.org
 American Association of School Administrators (AASA): www.aasa.org
 American Federation of State, County, and Municipal Employees (AFSCME):
www.afscme.org
 American Federation of Teachers (AFT): www.aft.org
 Council of Chief State School Officers (CCSSO): www.ccsso.org
 Council of the Great City Schools (CGCS): www.cgcs.org
 Congressional Research Service (CRS): www.congress.gov
 Education Trust: www2.edtrust.org/edtrust



Education Sourcebook

National Alliance of Black School Educators (NABSE): www.nabse.org
 National Association for Bilingual Education (NABE): www.nabe.org
 National Association of Elementary School Principals (NAESP): www.naesp.org
 National Association of Federally Impacted Schools (NAFIS): www.sso.org/nafis
 National Association of Secondary School Principals (NASSP): www.principals.org
 National Education Association (NEA): www.nea.org
 National HEP–CAMP Association: www.hepcamp.org
 National Indian Education Association: www.niea.org
 National PTA (NPTA): www.pta.org
 National Rural Education Association (NREA): www.colostate.edu/orgs/nrea
 National School Boards Association (NSBA): www.nsba.org
 National Urban League (NUL): www.nul.org
 Public Education Network (PEN): www.PublicEducation.org

Standards and Accountability

Education Week (Quality Counts; Education Week’s annual K–12 report card with a state-by-state assessment of education progress): www.edweek.org
 Council of Chief State School Officers (CCSSO): www.ccsso.org

Assessment

Center on Education Policy (CEP): www.ctredpol.org
 Educational Testing Service (ETS): www.ets.org

Private School Vouchers

National Education Association (NEA): www.nea.org
 People for the American Way (PFAW): www.pfaw.org

Higher Education

American Association of Community Colleges (AACC): www.aacc.nche.edu
 American Association of State Colleges and Universities (AASCU): www.aascu.org
 American Council on Education (ACE): www.acenet.edu
 Association of American Universities (AAU): www.aau.edu
 Association of Jesuit Colleges and Universities (AJCU): www.ajcunet.edu
 College Board: www.collegeboard.com

Council for Opportunity in Education: www.trioprograms.org
Higher Education Consortium for Special Education (HECSE): <http://hecse.uky.edu>
National Association for Equal Opportunity in Higher Education (NAFEO): www.nafeo.org
National Association of Independent Colleges and Universities (NAICU): www.naicu.edu
National Association of Student Financial Aid Administrators (NASFAA): www.nasfaa.org
State PIRG Higher Education Project: www.pirg.org/highered
U.S. Student Association (USSA): www.usstudents.org
Sallie Mae: www.salliemae.com

Special Education

American Speech–Language–Hearing Association (ASHA): www.asha.org
Council for Exceptional Children (CEC): www.cec.sped.org
Higher Education Consortium for Special Education (HECSE): <http://hecse.uky.edu>
National Association of Private Special Education Centers (NAPSEC): www.napsec.com
National Association of State Directors of Special Education (NASDSE): www.nasdese.org
National Center for Learning Disabilities (NCLD)

Education Funding

Committee for Education Funding (CEF): www.cef.org

National and Community Service

AmeriCorps: www.americorps.org
City Year: www.cityyear.org
Congressional Research Service (CRS): www.congress.gov
Jumpstart: www.jstart.org
Teach for America: www.teachforamerica.org

Workforce Investment/Adult Education

Association for Career and Technical Education (ACTE): www.acteonline.org
National Association of Counties: www.naco.org
National Association of State Directors of Career Technical Education Consortium (NASDCTEC): www.nasdvtec.org
National Association of State Workforce Boards: www.nawb.org
National Urban League: www.nul.org
U.S. Conference of Mayors: www.usmayors.org
U.S. Department of Labor/Bureau of Labor Statistics: www.bls.gov

